

# Law Enforcement News

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## Chicago PD fights judge's ruling that cramps its fingerprinting style

Time may not be on its side now, but when the Chicago Police Department goes on line with its new, computerized fingerprinting system, the several hours it now takes to match the fingerprints of a suspect charged with a misdemeanor offense will be cut to approximately 90 minutes — a time frame that police hope will convince a Federal judge to rescind her order requiring the department to release on bail those charged with misdemeanor crimes before the fingerprint check is completed.

U.S. District Judge Ilana Diamond Rovner ruled on Aug. 25 that the Police Department's policy of keeping suspects charged with misdemeanor crimes until a fingerprint check is completed was unconstitutional. In order for police to hold a criminal suspect pending a fingerprint check, Judge Rovner said, they must have an independent, reasonable suspicion that the suspect is wanted on an outstanding warrant or is using an alias. Rovner added that the time it takes to complete a fingerprint check — an average of four to six hours, although some checks have taken more than ten hours — is excessive.

The decision was promptly denounced by police, who maintain that the only way to appropriately identify a suspect is through a fingerprint check. "It's been our experience that about 70 percent of the people arrested here in Chicago on misdemeanor charges are repeat offenders," said First Deputy Supt. John Jemilo. "That doesn't mean they all have felony records but they have been arrested before, so it's important as policemen, it's important for the courts, it's important for probation and parole and for the general public in terms of public safety that misdemeanants be finger-

printed and appropriately identified."

Assistant city corporation counsel Diane J. Larsen, who is handling an appeal of the decision, said Judge Rovner's ruling could have a "tremendous impact" on police efforts to root out individuals wanted for other crimes, to determine a suspect's real identity, or to determine whether misdemeanor charges should be upgraded to more serious charges against repeat offenders.

Police officials have cited statistics showing that approximately 200 people a week are wanted for questioning about felony crimes — in some cases murder — by other police agencies after being arrested on misdemeanor charges in Chicago.

Jemilo said the department is concerned about "a number of things," including whether or not the person being released is in fact who they say they are. "It is not reasonable to presume that everybody is going to tell us the truth as to their identity," he said. "If someone knows there are warrants out for them, they're not going to give us their right name; it would be ridiculous for them to do so."

In the event that Rovner's decision holds, said Jemilo, the Police Department's current problem would be compounded with suspects knowing that they cannot be held until the check is completed. "We expect we are going to be inundated with a lot of false names, which in turn is going to inundate the criminal justice system. Individuals will not show up, even in misdemeanor cases, and we are going to have to issue summonses and warrants. We're going to clog up the system all the more."

Rovner's ruling came in a class  
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## Raising speeds, cautiously:

## Troopers split over 55 hike

Fifty-five proved a portentous figure last month when an amendment raising the double-nickel speed limit along rural stretches of Interstate highways was approved by the Senate in a 55-to-36 vote.

Such an amendment, which was tacked onto a four-year, \$52.3-billion highway authorization bill, has been a cause near to the hearts of several Western Senators, including Sen. Henry Hecht (R.-Nev.) and the bill's chief sponsor, Idaho Republican Staven D. Symms. The move to abandon the 12-year-old national speed limit was given additional impetus in late August when President Reagan endorsed selective repeal of the speed limit by declaring, "The time has come to restore greater authority to the states in this area."

While legislators claim the issue at hand is one of states' rights, some have not lost sight of the fact that lower speeds have helped to reduce fatalities on the nation's highways. Senator Robert T. Stafford (R.-Vt.) voted against the amendment even though Vermont is in imminent danger of losing several million dollars in Federal highway funds for noncompliance with the 55-mile-an-hour limit. Stafford asserted that while highways may be built for higher speeds, smaller cars are not. Raising the speed limit, he said, is "too much of a price to pay" for the few hours motorists would save each year.

While legislators debate the benefits and drawbacks of the 55-mile-an-hour national speed limit, however, it is ultimately the task of law enforcement to see the law is obeyed and to pick up the pieces when it is not. In many cases, enforcing the national limit has been likened to enforcing Prohibition.

"Everybody is for it until they're driving, then it's for some-

one else," said Maj. Wayne Peterson of the Iowa Highway Patrol.

A roundup of state law enforcement agencies showed a division of official opinion as to whether the speed limit should remain at 55 on all Interstates or if it could be increased on some roads whose design and location made them a low traffic accident risk.

Steve Kohler, a spokesman for the California Highway Patrol, said that there are stretches of highway in his state, such as Interstate 5, where a flat, four-lane, divided highway shoots across the state's central valley without passing through any urban areas for 296 miles. "Raising the speed limit on that kind of highway would not significantly increase the driver's risk," he said. "It would also regenerate a respect for the law that seems to be degenerating right now, where people would understand and see enforcement as being logical and not just look around and see everyone exceeding the speed limit and nobody doing anything about it."

The CHP spokesman added that last year more than one million speeding tickets were issued by the Highway Patrol force of just over 5,000 troopers.

Kohler's thoughts on the speed limit were echoed by Maj. Richard Downey of the Colorado Highway Patrol, who said that while there has been a significant reduction of traffic fatalities and injuries in Colorado since the advent of the national speed limit, the limit should be looked at in an "analytical way" to project any possible increases in traffic injuries and fatalities should the speed limit be raised in the Western states to 65. "I would suggest a very cautious approach to make sure we could raise the limit safely," he said.

Vermont State Police Capt.  
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65 or 55? The states may get the final say-so.

## An ounce of prevention...

## Drug therapists seek bigger slice of Fed pie

President Reagan's plan to spend an estimated \$233 million on drug-abuse prevention, treatment, research and education — while adding more than twice that amount to drug-enforcement activities along the U.S.-Mexico border — has been called a "lopsided" approach to the nation's drug problem by substance-abuse practitioners and therapists.

The President, who unveiled his antidrug plan on Sept. 15, proposed a multifaceted antidrug program that would cost an estimated \$894 million for fiscal

year 1987. Reagan proposed to spend \$100 million on drug treatment centers, \$69 million on matching grants to communities to fight drug abuse and \$64 million for research and for the establishment of a Federal Center for Substance Abuse Prevention.

In recent weeks, the White House, the House of Representatives and both parties in the Senate have released an array of comprehensive plans for waging war on drugs. The President's proposal would allocate the least amount of money to non-

enforcement activities, with the House having approved the expenditure of \$1.05 billion for educational programs to be run by Federal, state and local governments, schools, colleges and universities. In addition, the House authorized \$280 million in block grants to states for drug abuse treatment, prevention and rehabilitation programs.

Legislation proposed by Senate Democrats would allocate \$150 million to educational activities, through the establishment of an Office of Drug and Alcohol Abuse

Education and Policy. The bill, sponsored by Sen. Joseph Biden (D.-Del.), would also provide \$25 million to expand the U.S. Department of Education's regional training centers, and would authorize \$125 million for a formula grant program to state and local agencies to implement drug abuse education programs.

Biden's bill also provides \$394 million for treatment and rehabilitation programs.

With a variety of proposals in the works, some veterans in the drug-abuse treatment field con-

tend that whatever the allocation, it will not be enough to do "the whole job." In addition, there should be a happy medium between "the urine testing-law enforcement type approach, which is important, and the treatment-education alternatives," said Dave Mulligan, director of the Massachusetts Division of Drug Rehabilitation Services.

"I guess I would like to see more balance," concurred Paul Temple, prevention and early intervention coordinator of the

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# Around the Nation

## Northeast

**DISTRICT OF COLUMBIA** — Under pressure from Congress and neighboring states, the district has raised the legal age for drinking beer and wine to 21. The ordinance, approved Sept. 23, will exempt those who become 18 before Oct. 1.

**NEW HAMPSHIRE** — The 9,000-member state workers' union has come out in opposition to mandatory drug testing. The union said it favors case-by-case testing, coupled with rehabilitation.

**NEW JERSEY** — The State Senate last month approved a bill that would impose a minimum five-year prison term for selling hard drugs to minors or selling in the vicinity. The measure, which passed unanimously, was sent to the Assembly, where approval was said to be likely.

**NEW YORK** — Thomas L. Sheer, director of the FBI's inspection division in Washington, was named last month to head the bureau's New York field office, succeeding John L. Hogan, who is retiring. Sheer, 49, was the top deputy in the New York office until last July, when he was assigned to the inspection division. An FBI announcement did not indicate when Sheer's appointment and Hogan's retirement would take effect.

The Chief of Personnel for the New York City Police Department, Richard J. Koehler, has been tapped as the city's Correction Commissioner, taking over a department ridden with problems that include high overtime and absentee rates and overcrowding in the jails. From October 1981 to April 1983, Koehler served as first deputy commissioner of the Correction Department under then-Commissioner Benjamin Ward, who now heads the police department.

**PENNSYLVANIA** — A grand jury investigating the 1985 MOVE confrontation and bombing has subpoenaed several police officers to testify, including the bomb-squad officer who dropped the bomb on the MOVE stronghold from a state police helicopter, and the officer who helped build the explosive device.

A U.S. district judge in Philadelphia has upheld a Federal law that increases penalties for selling drugs near schools, ruling that a drug dealer would be subject to the law even if the school was closed at the time of the transaction. The law has also been challenged and upheld in Federal court in New York.

The Philadelphia Police Department has formed a Conflict Prevention and Resolution Team in an effort to combat racial violence and vandalism.

## Southeast

**FLORIDA** — In what may be the biggest cocaine bust in Broward County history, law enforcement officers seized about 1,300 pounds of cocaine that was hidden under the cabin of a fishing boat last month. The drugs were worth \$22 million wholesale, according to a spokesman for the Broward County Sheriff's Office.

The state Department of Law Enforcement will begin testing job applicants for drug use beginning Nov. 1. Current employees will be tested only if there is a suspicion of drug use.

**GEORGIA** — Motorists who get traffic tickets in Atlanta will now have to surrender their licenses until they pay the fines, with the tickets serving as a license for 45 days. The city is said to be losing money on traffic citations.

**SOUTH CAROLINA** — Citing a growing prison population, the

state Department of Corrections has asked for a \$25.9-million budget increase to pay for new facilities, equipment, supplies and staff.

**VIRGINIA** — Under an experiment that began Sept. 1, effective and productive police officers in Arlington will have a role in picking their own beats and work days. The six-month test assigns points for different tasks, with a parking ticket good for one point, a drunken-driving arrest good for 40 points, and a felony arrest worth 50 points. If the program is found to be workable after six months, all officers who have earned an average of 35 or more points a day will be eligible to select the neighborhoods where they would like to work next year, and the days of the week they would like to have off. The experiment is limited to the department's 29 day-shift officers.

## Midwest

**ILLINOIS** — Police officers in Oak Forest have agreed to be represented by the Teamsters, in what a union official said represents a Chicago-area first. All 25 Oak Forest officers below the lieutenant have reportedly signed Teamsters authorization cards. The officers were formerly represented by the Fraternal Order of Police.

Patrol officers in Maywood staged a "blue flu" sickout Sept. 13 after a last-minute attempt to settle a lengthy contract dispute ended the night before without an agreement. The town was patrolled by six police supervisors and a two-man squad car from the Cook County sheriff's police. Forty-one police department employees have been without a contract since May.

James P. Svoboda, police chief in the Chicago suburb of Lyons for the last 25 years, died Sept. 11 after suffering a heart attack.

He was a 36-year member of the Lyons police.

The Cook County Corrections Department has announced that it will postpone random drug tests for 1,600 employees until a suit by the American Civil Liberties Union is settled.

**KENTUCKY** — State correctional officials have said the proposed \$45-million, 550-bed Morgan County prison should be enlarged before construction begins. More than 870 prisoners are currently awaiting transfer from county jails.

**MICHIGAN** — Robert DeFauw, who has been the top U.S. narcotics agent in the state for the last five years, has announced that he will step down in January as special agent in charge of the Drug Enforcement Administration's Detroit office. Among DeFauw's career successes in Detroit was the creation last July 2 of the nation's first "no crack" telephone hot line.

**OHIO** — The Pike County Jail was closed as a permanent holding facility last month and six sheriff's deputies were laid off in an effort to cope with a budget cut. Sheriff James Dixon said his budget had been cut from \$371,000 in 1985 to \$330,000 this year. The layoffs will leave the department with six employees in addition to the sheriff.

## Plains States

**MINNESOTA** — The New Ulm City Council has given police the go-ahead to shoot up to 50 deer that wander into the city this fall. Council members said the deer are a menace to plants.

**SOUTH DAKOTA** — Pennington County was forced to ship inmates out to other counties over the Sept. 19 weekend, as the county jail population hit a record 142. The facility is built for 106 inmates.

## Southwest

**NEW MEXICO** — Over the first half of this year, the state reportedly led the U.S. in marijuana and cocaine seizures made at routine traffic stops.

**UTAH** — Write-in candidates will be fighting it out on a blank ballot for the job of Morgan County sheriff this Nov. 4. A judge ordered Republican incumbent Bert Holbrook's name stricken from the ballot because of questions as to county residency. The Democrats didn't field a candidate.

## Far West

**ALASKA** — Anchorage Police Chief Brian Porter, 48, retired Oct. 10 after 26 years with the department. Porter, who is credited with having computerized the police force, is succeeded by Deputy Chief Ron Otte.

**CALIFORNIA** — Border Patrol agents seized 1,285 pounds of cocaine, worth a reported \$150 million, and arrested two men in a truck that ran the border. The seizure set a record for San Diego County.

**HAWAII** — Police on the island of Hawaii have seized a record 607,960 marijuana plants so far this year. The \$608-million haul is said to be double the amount confiscated in 1984.

**NEVADA** — The state crime victims' assistance program is said to be running \$89,000 in the red, prompting a proposal that the program only pay 60 percent on future claims.

**OREGON** — Construction began last month on a new 260-bed jail for Marion County (Salem), with completion scheduled for the summer of 1988. Lawsuits had charged that the old 108-bed jail is overcrowded and substandard.

**WASHINGTON** — King County officials last month cut by 12 the staff of the Green River task force that has been investigating the murders of 36 young women and the disappearances of 10 others. The officials said the cut to 43 officers would not affect the effort to clear up the nation's longest and largest unsolved serial murder case.

Seattle Mayor Charles Royer has proposed a \$981-million budget that includes funding to add 48 new police officers to the force. The City Council is due to vote on the proposal Nov. 25.

Coming up in LEN:

**The Mafia on trial — a Sicilian judge looks at the cases that may break the mob on its home turf.**

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## NJ judge bars drug tests

A Federal judge's ruling that overturned a compulsory drug-testing program for police in a New Jersey town may have a significant impact on President Reagan's plan to test a wide range of Federal employees for evidence of drug use.

Judge H. Lee Sarokin of the Federal District Court in Newark, N.J., ruled last month that the mandatory drug testing of Plainfield, N.J., police and firefighters was unconstitutional. The 17 employees who had filed suit to challenge the tests had been suspended without pay after illegal drugs were detected in their systems.

Sarokin called the test warrantless searches and said such tests should only be employed when there is a strong suspicion that an individual is using drugs. The use of urine tests by private employers and the public sector use of pre-employment testing were not addressed in the decision.

Sarokin's opinion came just three days after President Reagan ordered the heads of Federal agencies to establish a program to test for the presence of illegal drugs in more than one million Federal employees.

Although Sarokin acknowledged in his 32-page opinion that mass testing was a tempting solution during a time of widespread drug use, he cautioned, "It is important not to permit fear and panic to overcome our fundamental principles and protections."

"The public interest in eliminating drugs in the workplace is substantial, but to invade the privacy of the innocent in order to discover the guilty establishes a dangerous precedent, one which our Constitution mandates be rejected," he wrote.

"In order to win the war against drugs, we must not sacrifice the life of the Constitution in the battle," said Sarokin.

Last May, the City of Plainfield administered surprise urine tests

to all 128 police employees and 99 fire personnel. Test results showed that 16 firefighters, 2 police officers and 2 civilian members of the Police Department had been using drugs.

The 20 employees who tested positive were called before their superiors and given the option of resigning or facing suspension and departmental charges. One civilian resigned and the rest were suspended.

The 16 suspended firefighters brought suit to have the disciplinary actions overturned. Following a hearing in July, Sarokin ordered the firefighters and the two police officers reinstated pending a ruling on the constitutional question raised.

Sarokin's decision last month voided the findings of the tests and henned the city from conducting such tests in the future.

"The invidious effects of such mass roundup urinalysis is that it casually sweeps up the innocent with the guilty and willingly sacrifices each individual's Fourth Amendment rights in the name of some large public interest," the judge wrote. "Such an unfounded presumption of guilt is contrary to the protections against arbitrary and intrusive government interference set forth in the Constitution."

Reacting to Judge Sarokin's ruling, the city's Director of Public Affairs and Safety, Harold Gibson, said that Plainfield is being set up for "some disastrous results."

"We have some people who are actual drug addicts and they're not going to change," said Gibson.

Sarokin's ruling is not the first to find mandatory drug testing of government employees to be a violation of the Constitution.

Earlier this year, a New York State Supreme Court justice barred New York Police Commissioner Benjamin Ward from implementing the random drug

testing of members of the Police Department's Organized Crime Control Bureau.

In deciding that case, Justice Stanley Parness relied upon several other decisions, including a Florida ruling that struck down mandatory testing for police and firefighters because it violated their Fourth Amendment right.

In finding the NYPD's order unconstitutional, Parness said the city had failed to justify the need to test everyone in the organized crime bureau for drug use. "That such testing may have some deterrent effect, turn up an occasional abuser or improve public confidence in the police," said Parness, "does not constitute that degree of justification required under the reasonableness test or the weight of case authority."

The U.S. Department of Justice, which was not involved in the Plainfield case, declined to speculate on the effects of Judge Sarokin's ruling. However, the department will soon enter a similar case in Boston, where police officers are challenging urinalysis drug tests. "The department will enter on the side of the city and take a very clear stand that the Fourth Amendment does not apply," said Patrick S. Koren, deputy director of public affairs for the Justice Department. "We will argue that drug testing is not unreasonable search and seizure."

## Rehnquist, Scalia OK'd as Court resumes work

On Oct. 6, the U.S. Supreme Court returned to work, led by a new Chief Justice, William H. Rehnquist, and including among its members a new Associate Justice, Antonin Scalia. Both men were nominated by President Reagan, both were confirmed by the Senate on the same day and they hold similar conservative viewpoints, but no two confirmation hearings have ever been so dramatically different.

Scalia, whose confirmation hearings were a relatively smooth affair, was confirmed in a lightning-fast, trouble-free vote of 98 to 0, on Sept. 17, while Rehnquist was put through perhaps the most grueling hearings in recent times. In the final analysis, the new Chief Justice received the most negative votes of any Justice in the 198-year history of the Supreme Court, winning confirmation by a 65-to-33 margin.

To some, Rehnquist's career as an Associate Justice and, prior to that, as a Justice Department official have been similarly controversial. A third-choice nominee of President Richard M. Nixon in 1971, Rehnquist was an assistant attorney general at the time, helping the Justice Department evaluate potential candidates to replace retiring Supreme Court Justices Hugo Black and John Harlan. After Nixon's first choices, Clement Haynsworth and G. Harold Carswell, were rejected in a wave

of controversy, Nixon announced the appointments of Rehnquist and Lewis F. Powell Jr.

Rehnquist was confirmed by the Senate by a vote of 68 to 28 — the highest previous total of negative votes for a confirmed Justice.

Rehnquist, 61, graduated first in his class from Stanford Law School, where he was a classmate of Associate Justice Sandra Day O'Connor. In 1952, Rehnquist was a law clerk for Justice Robert Jackson, for whom he wrote a memorandum urging Jackson to vote against desegregating schools in the South. Rehnquist's opposition to a Phoenix public-accommodation law and his alleged harassment of black and Hispanic voters while serving as a pollwatcher in Phoenix in the 1960's led major civil rights organizations to oppose his elevation to Chief Justice.

Opposition to Rehnquist's nomination was also mounted by the National Organization for Women, whose president, Eleanor Smeal, said that no Senator who considered himself "a friend of women's rights" could vote to confirm Rehnquist.

Although some do not consider Rehnquist or his Senatorial allies a "friend to women," Rehnquist has been a consistent friend to law enforcement. It has been shown in recent tallies that Rehnquist votes against defendants and for

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## Management study says NY suburb's police force needs a good shaking up

Federal, state and private-sector researchers have apparently left no stone unturned in the three separate ongoing investigations into the Suffolk County, N.Y., Police Department. State and Federal agencies are investigating allegations of corruption and drug use in the suburban

police force, while a private committee has just completed a managerial analysis which recommends an overhaul of the force's administrative structure and computer system.

The management report, prepared at the request of County Executive Peter F. Cohalan, was prepared by the Center for Management Studies and Center for Metropolitan Long Island Studies at Long Island University's School of Business and Public Administration.

According to the study, the 2,559-member police department, which is one of the country's largest and best paid, has failed to adjust to the county's growth and maturity and has tended to stick with approaches that have become inappropriate for a suburban county moving into the 21st century. The department, the report asserted, tends to be reactive and has not adequately mapped out its future.

In addition, the report cautioned that the "managerial style characterized by an informal, personal and egalitarian policy," which has characterized the department since it was formed in 1958, may promote an informal approach to internal investigations and hinder the growth of police professionalism.

According to one member of the

study panel, Dr. Carl Figliora of the L.I.U. faculty, the department's management system must be redesigned.

"We actually described what we saw as the job description of the police commissioner," said Figliora.

The committee recommends that the department choose a police commissioner who has a strong background in law enforcement or law as well as a solid record of management experience as well.

Moreover, the report said, the department should be required to conduct a national search before appointing a commissioner, although commissioners could still be chosen from among qualified personnel ascending through the ranks.

As the managerial hierarchy is currently set up, there are two deputy commissioners below the police commissioner. According to Figliora, those two positions should be combined into one deputy commissioner "appointed by and [serving] at the pleasure of the Commissioner and qualified to stand in when the Commissioner is unavailable." This would allow the Commissioner more time to take care of external matters concerning the County Executive, the Legislature and the

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### The greying of crime:

## Crime dipping with baby boom?

As the size of the youth population decreases, society will likely become increasingly crime free, according to a study by two sociologists at Pennsylvania State University.

Dr. Darrell J. Steffensmeier, a professor of sociology, and Miles D. Harer, a doctoral candidate in sociology, contend that crime rates have been falling in the United States since the late 70's because those born in the period following World War II up until the early 60's — the "baby boom" generation — have grown older and, in effect, less crime prone.

"For some time now, demographers have been predicting a drop in crime due to changes in age of the population," said Harer.

The researchers arrived at the

rate of change in crime for 1980 through 1985 — adjusted for changes in the age of the population — by using data from the FBI's Uniform Crime Reports and the National Crime Survey.

According to UCR statistics, said Harer, property crimes dropped 5.6 percent between 1980 and 1985, while crimes against persons rose 4.6 percent during the same period. "Specifically, there were rises in rape, aggravated assault and motor vehicle theft and drops in homicide, robbery, burglary and larceny-theft," he said.

Crime survey statistics report an 11.9 percent drop in property crimes and a 4 percent drop in crimes against persons from 1980 to 1985.

The downward trend, noted Steffensmeier, surfaced in two other sources of crime data as well — the National Youth Survey and the Monitoring the Future Study. While demographics alone cannot account for the downward trend, he said, two factors "seem the most plausible" in explaining the decline.

There has been a decline in the size of youth groups, said Steffensmeier, and large groups of young people show a higher rate of crime than smaller groups. Moreover, he said, would-be offenders have turned away from such UCR index crimes as robbery and burglary to drug dealing and bad-check passing, which are not tracked in any national survey.



# People and Places

## A nose for contraband

They say every man has his price, but every dog? For a five-year-old, dope-sniffing golden retriever named Sir Jeremiah Lawman, that price is a tennis ball.

Jeremy, as he is called by his owner and trainer, Jeanna Benson, is a certified narcotics dog who graduated from the canine program at the Florida Criminal Justice Regional Training Center in Orlando. Said to be the only privately owned K-9 dog in Georgia, Jeremy is available to law enforcement agencies and private industries on a nose-for-hire basis.

Jeremy, a veritable tennis ball addict, will sniff out almost any illegal drug, as well as firearms, all for the reward of a ball between his jaws. In a demonstration of his talents at one of Clayton County's middle schools, Jeremy searched the gymnasium where Benson had hidden several different types of drugs, and came up with cocaine, barbiturates and marijuana. In a real bust, an alert from a narcotic dog is justification for a more specific police search.

Benson, 38, became intrigued with narcotics dogs through an acquaintance with W. C. "Butch" Adama, a captain with the Douglas County Sheriff's Department, and Adama's dope-sniffing sidekick, Bandit, a black Labrador retriever.

With no prior experience in training dogs, Benson boned up on the subject by attending months of seminars and reading nearly everything she could find in that area. Then she ran through about 50 dogs until she found a suitable student — Matthew, a golden retriever that Benson called "incredibly." Unfortunately, Matthew disappeared — stolen by drug traffickers, Benson believes. Next, a friend offered her Jeremy, then two years old. In the meantime, Benson was deputized in Coweta County.

Acceptance into the Regional Training Center in Orlando came late. She and Jeremy eventually joined the class several days after it had begun and \$2,000 poorer.

Benson was the only woman in the class and Jeremy the only retriever. "There I was, a little woman with a little happy retriever in the middle of all those big macho men and their big German shepherds and Bouviers, some of which were attack

trained." Although Benson's classmates nicknamed her dog "Wimpy," Jeremy passed the class with a 99 percent accuracy rating.

Since becoming a full-time canine drug agent, Jeremy has scratched his way through mounds of garbage to pick out a crushed cigarette pack with the remnant of a marijuana cigarette in it, and has retrieved from a kitchen drawer a razor blade used to cut cocaine into lines. On a much larger scale, the retriever has called attention to more than \$1 million in illegal drugs at Atlanta's Hartsfield Airport alone.

And he doesn't even expect one and a half tennis balls if his work takes more than eight hours.

## Guns and beepers

Not only are Boston residents getting a new sheriff this year, they're also getting an election campaign that offers a dramatic study in contrasts. And, some believe, the outcome of the sheriff's election will indicate whether the revitalization of the city over the past decade has really changed things or whether it is still "an old-line political city."

Running for Suffolk County sheriff are Albert L. (Dapper) O'Neil, a political veteran who has been a City Councilman for 15 years, and Robert C. Rufo, a 35-year-old lawyer who has aimed for efficiency and modern management during the seven years he has been special assistant sheriff.

O'Neil, who describes himself as a "conservative law-and-order man" ready to "kick in the brains" of judges who delay trials, has been a political fixture in the city since 1946. An opponent of affirmative action and of public school integration in Boston during the 70's, O'Neil has won election to the Boston City Council 9 times and has lost 9 other races for 6 different offices. A two-time unsuccessful candidate for sheriff, O'Neil apparently feels lucky this time and told one supporter, "They won't count my votes, baby, they'll weigh them."

Rufo, who has gained the support of incumbent Sheriff Dennis J. Kearney, is in his first run for elective office. Rufo favors an "aggressive affirmative action program," more social services for inmates, the introduction of

computers into the sheriff's department and state assumption of the department's operating costs.

Rufo thinks of himself more as a law-enforcement professional than as a politician. The sheriff should be more of a manager, "not out in the street arresting people," he contends. "This is not the wild west and I won't be the gun-toting sheriff my opponent has promised to be. I carry a beeper, not a gun."

Rufo has won endorsements from a number of prominent political figures, including U.S. House Speaker Thomas P. O'Neill Jr. and Representative Edward J. Markey, and from the Black Political Task Force, which endorsed a white candidate over a black candidate for the first time in its nine-year history. Georgetown Watson, a black anti-crime candidate, is also running although she is trailing behind O'Neil and Rufo.

In assessing the underlying impact of the race, former Boston City Council president Lawrence S. DiCara said: "Dapper is a political fixture here, but he has not had much administrative responsibility. If he wins, it will mean that even with the changes, Boston is still an old-line political city where people are awarded with political office because of longevity."

## Youthful enthusiasm

Disgruntled Detroit homicide detectives are complaining that their division commander, Inspector Leamon Wilson, is treating them like children. If that's so, it may be because Wilson has spent much of his long police career working in the youth division and would happily have stayed there if he had not been transferred to homicide last year.

Wilson, 60, was transferred after Gilbert Hill, a homicide investigator himself, was promoted to commander in charge of special crimes, including homicide. During Hill's tenure, overtime in the homicide unit reportedly ran wild, while at the same time the percentage of cases closed dropped.

Wilson, who unlike his predecessors never worked homicide, implemented a policy that cut overtime to half of what it had been the year before despite a 30 percent increase in the caseload. While ruffling the feathers of many of the detectives, Wilson claims that within his first six months he cut overtime by 71 percent and increased the closure rate from 46 to 59 percent.

While he got results, those six months were said to have been tough for Wilson. As a commander who believes "administrators should stay out of investigations," Wilson's methods and manner have been criticized by his troops, who claim he has alienated them. "He treats us like children," one veteran detective

told the Detroit News. "He berates you," said another. "When a witness is ready to talk [after the regular shift], he says we've been goofing off all day long and we can't stay overtime. He's got the activity logs, he can see we've been working."

Prior to homicide, Wilson held jobs in armed robbery, precinct criminal investigations, community relations, crimes against persons and the youth section.

"I love children," notes Wilson, who for years coached the West Side Cubs, a black football and baseball league for adolescents. Deputy Chief Tom Moss, a long-time colleague who coached with Wilson during the 60's, observed, "He pushed kids, but he knew how to reach out and put his arm around them too."

While some top detectives have threatened to leave the homicide division, at least two have changed their minds. Wilson approves every transfer, wishing that those who are malcontented would find other assignments.

"I didn't ask to come here," said the inspector. "I go where I'm told to go and I'm going to do my job wherever I go." Wilson said that although he will stand on his record and "straighten out homicide," he wishes he was back in the youth section. "I loved it there. I didn't ask for this."

## Press briefing

Declaring that law enforcement alone can not solve the nation's drug problem, John C. Lawn, head of the U.S. Drug Enforcement Administration, recently upbraided Congress for its proposal to use the military to apprehend drug smugglers at the border.

"If we miraculously could put military people arm to arm to surround the United States to keep out cocaine and heroin, we would continue to have a substantial drug problem," said Lawn.

The House passed a measure in September that would require the President to deploy as much military strength as necessary to significantly reduce the amount of drugs coming into this country by ship or airplanes.

Unless the Government helps reduce the demand for drugs through education and prevention programs, he said, the work done by Federal agents and police "would end in disappointment." Even if cocaine could be eliminated in the United States, said Lawn, people would turn to other substances as a substitute.

Lawn's comments were made in a meeting with editors of The New York Times, with whom he discussed rising cocaine addiction, treatment and education efforts in the United States and problems with drug enforcement in Mexico. Lawn was accompanied by the DEA's special agent in charge of the New York region, Robert M. Stutman.

According to the two officials,

public awareness of the drug problem has grown because the difficulties attendant to the spread of cocaine use have affected a wider portion of the population than ever happened with heroin, the most severe drug problem during the 60's and 70's. The public has reacted with particular vehemence to the growing use of crack, the potent, highly addictive, smokable form of cocaine.

Cocaine, said Lawn, could be used by a 9-year-old child or a 76-year-old grandmother. "That has aroused community awareness," he said.

"Do you use an airplane? Do you fly commercially? Do you use a doctor? Do you use a lawyer?" Cocaine could be a problem for you, said Lawn, if you do any of those things.

Stutman said the task of riding New York of crack dealers was compounded by the fact that fewer than 10 percent of those arrested go to jail for more than a few days. "The New York City Police Department is probably too efficient," he said. "The criminal justice system behind the Police Department has, I believe, fallen down."

Lawn also expressed concern over the laxness of Mexican authorities in the case of Victor Cortez Jr., a DEA agent who was detained by Mexican police Aug. 13. The White House has asserted that Cortez was tortured. Eleven Mexican police have been charged by Mexican authorities with causing Cortez bodily harm.

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## What They Are Saying

"To win the war against drugs, we must not sacrifice the life of the Constitution in the battle."

Federal District Judge H. Lee Sarokin, in declaring unconstitutional a mandatory drug-testing program in Plainfield, N.J. (3:1)



# Crime prevention makes good business sense

Crime prevention is good business. That's the message several large corporations have



## Burden's Beat

Ordway P. Burden

gotten from their efforts to extend crime prevention programs beyond the workplace and take them into their communities.

In the forefront of community crime prevention have been such big corporations as Southland, which operates the nationwide chain of 7-Eleven convenience stores; Texize Corp., the Greenville, S.C., manufacturer of household cleaning products; American Can Company, General Electric Aerospace, Southwestern Bell of Houston, and Jersey Central Power and Light, the utility that serves half of New Jersey.

In nearly every case, a corporation's outreach to the community

grew from its internal effort to reduce pilferage and other workplace crime. Southland, for example, got into crime prevention with the hope of reducing store robberies. The corporation hired a reformed criminal to inspect its stores and suggest changes that would make it harder for a robber to succeed. His design changes and other tips cut the robbery rate 50 percent.

Today Southland, in partnership with the National Crime Prevention Council (NCPC), annually gives out to its customers more than two million brochures featuring McGruff the Crime Dog and his crime prevention tips. Southland also teams up with local police to run bicycle rodeos in its parking lots, funds law enforcement projects, and has designated 1,700 stores as "McGruff Houses" — safe places where people can go for help in an emergency. Employees are trained to call for help, although not to give other emergency assistance.

The Texize Corp. has funded several crime prevention projects

aimed at children. One of them, a McGruff puppet show, has been seen by children in 30,000 elementary school classrooms. Over a 24-week span, the teacher or a law enforcement officer uses the puppet and an accompanying cassette tape to give lessons on how kids can say no to drugs, alcohol and child abusers, how they can protect their property, and how to handle household emergencies when they're home alone. The show, developed by NCPC, has been so successful that the Governors of Texas and Nevada have urged that it be used in every grade school classroom in their states, according to Allie Bird, director of curriculum development for the NCPC. Texize is now marketing a smaller McGruff hand puppet and cassette tape that parents can use. "The idea of the campaign," Bird said, "is not to scare the kids but to give them the sense that they can deal with problems and emergencies."

Among the crime prevention efforts of the American Can Company, the firm has targeted

teenagers as a source of security personnel. "They have an innovative partnership with high schools, security companies, crime prevention practitioners and employment specialists to provide training and placement in the security industry to teenagers," Bird said. So far more than 20 teenagers have been trained in New York, Baltimore, Cleveland and St. Louis by specialists from the NCPC, with funding by American Can and local foundations.

In Utica, N.Y., General Electric Aerospace had been giving seminars on home security and safety to its employees for several years when the company decided to take the show on the road. Now GE security experts appear before PTAs, Scout troops and churches to give tips on home and family security and safety, vehicle protection and personal safety. "One of the things GE has noticed," Ms. Bird said, "is that employees who have been given information about crime prevention and safety for home and family are more likely to use those techniques at work. They're more likely to lock their cabinets and be careful with computer codes, and so on."

By the nature of their business, utilities like Southwestern Bell and Jersey Central Power and Light constantly have eyes and ears in the community. Both utilities have trained their service truck drivers to observe and report crime to the police. In addition, Southwestern Bell teams with community organizations to teach young children how to dial 911 in an emergency, and JCPL operates a Criminal Opportunity Reduction Van that tours its ser-

vice area giving safety lessons to young children. JCPL also plans to establish a crime prevention hot line that people can call toll-free to get recorded tips on child protection, rape, vehicle theft and other crime prevention issues.

Hundreds of other corporations are involved in crime prevention campaigns in their communities, Ms. Bird said. "We're beginning to see that corporations and crime prevention groups have things of mutual benefit to offer each other," she noted. The corporations can contribute their resources, marketing expertise and networks of employees and customers, and the crime prevention groups bring their expertise and their own network of community organizations. "It's no longer just a matter of corporations giving money," she explained.

With funding from ADT Security Systems, the National Crime Prevention Council has prepared a special kit for corporations interested in crime prevention. The kit is called "Working Together to Take a Bite Out of Crime," and ADT plans to send copies to 10,000 corporations. Police executives who want information about it may write to Allie Bird or Mac Gray at the National Crime Prevention Council, 733 15th Street, N.W., Washington, DC 20005. Their phone number is (202) 393-7141.

Ordway P. Burden is president of the Law Enforcement Assistance Foundation and chairman of the National Law Enforcement Council. He welcomes correspondence to his office at 651 Colonial Blvd., Washington Twp., Westwood P.O., NJ 07675.

## Supreme Court '85-'86: a new look at the right to effective legal counsel

The 1985 term of the Supreme Court will go down in the books as the last with Chief Justice Warren E. Burger at the helm. While



## Supreme Court Briefs

Jonah Trichwasser

we await the first Monday in October to begin the 1986 term and the start of the new Rehnquist Court, Law Enforcement News will take a look back to review the major criminal justice decisions of the final year of the Burger Court.

In this installment, we look to the cases involving the right to effective assistance of counsel.

### Parole advisory

*William L. Hill v. Lockhart*, Director, 54 L.W. 4006 (Nov. 18, 1985).

Hill pleaded guilty in Arkansas to murder and theft and was sentenced to concurrent terms of 35 years for murder and 10 years for theft, based upon state recommendations, as agreed. More than two years later, he sought Federal relief on the ground that his court-appointed attorney had told him he would be eligible for parole after serving one-third of his sentence, whereas under Arkansas law, since he was a second offender, he would be required to serve one-half his sentence before becoming eligible. The Federal District Court denied relief without a hearing and the Court of Appeals for the Eighth Circuit affirmed.

The Supreme Court affirmed,

noting in an opinion by Justice Rehnquist that, in keeping with *Strickland v. Washington*, 466 U.S. 668, a claim of ineffective assistance of counsel is subject to a two-part analysis:

¶ The defendant must show that counsel's representation fell below the standard of reasonableness demanded of attorneys in criminal cases, and

¶ The defendant must show that but for the unprofessional errors, there is a reasonable probability that the result of the proceeding would have been different.

"Because petitioner in this case failed to allege the kind of prejudice necessary to satisfy the second half of the *Strickland* test," the Court ruled, "the District Court did not err in declining to hold a hearing on petitioner's claim."

Justices White and Stevens concurred in the judgment because Hill failed to allege that his attorney knew about his prior conviction.

### Timely motions

*Kimmelman, Attorney General v. Morrison*, 54 L.W. 4789 (June 26, 1986).

Morrison was convicted of rape in a bench trial in New Jersey. At his trial, a bed sheet was introduced into evidence which had been seized by a police officer from the defendant's apartment. Defense counsel sought to suppress the evidence, but the motion was not made in timely fashion under a New Jersey rule that motions to suppress must be made within 30 days of indictment unless the time is expanded for good cause. Counsel had not known about the bed sheet

because he had failed to request discovery under the mistaken belief that the state was required to turn over all evidence to him in any event. Consequently the motion to suppress was not heard on its merits.

On appeal the conviction was affirmed. The New Jersey Supreme Court denied review, and an application for post-conviction relief was denied in state court.

Upon application for Federal review, the District Court and the Third Circuit Court of Appeals granted relief on the grounds of ineffective assistance of counsel, which they held was not barred by *Stone v. Powell*, 428 U.S. 465 (1976), even though the underlying claim was a violation of a Fourth Amendment right.

Affirming that decision in an opinion by Justice Brennan, the Supreme Court held that the *Stone* rule does not bar Federal relief on the ground of ineffective assistance of counsel, even though the failure consists of not challenging effectively a Fourth Amendment violation. The first prong of *Strickland v. Washington* was clearly established because counsel's performance in failing to seek discovery and to file a timely motion to suppress was not based on strategy but betrays "a startling ignorance of the law" and inadequate preparation. Thus his representation was contrary to professional norms. The second prong of "prejudice" would be considered on remand to the District Court.

"We hold that Federal courts may grant relief in appropriate

Continued on Page 7

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# Composite art and the police: a primer

By FRANK DOMINGO  
First article in a series.

A child learning the ABC's is taught the English alphabet and how to write each letter. In time, a style of writing emerges and the child acquires his own handwriting. The universality of a standardized alphabet makes written communication possible. The alphabet is the basic framework we all have in common; handwriting is the individual's expression of that framework.

So it is with another form of communication — composite art. Like the written word, this visual medium cannot exist efficiently without a framework shared by all participants, although through their style of drawing they may express or interpret it differently.

A fixed set of rules for composite artistry would be illogical, impractical and most likely unworkable. Artists, police agencies, cities, states and regions all have their own peculiar problems to which no one set of rules can be universally applicable. The only viable answer is standards and guidelines that each artist can adapt and apply to his or her own situation.

The ideas explored in this and succeeding articles are designed to be used by those artists seeking direction. Although the guidelines and suggestions may be more useful to the new artist, even the experienced composite artist may find that there are some ideas he may want to incorporate into his technique.

First, though, let's get back to basics.

## Terms and definitions

In the context of criminal justice, three terms are most frequently used with respect to art: police art, forensic art and composite art. While one term may at times be inclusive of another, use of the terms interchangeably should only be done with the greatest of caution, if not avoided altogether. Police art, for example, is a general term that includes any art done for a police agency, such as composite art, reconstructive art, crime-scene art, graphics, cartography, and illustrations or 3-D models for courtroom presentations. Forensic art, on the other hand, refers only to art used in conjunction with legal proceedings, while composite art is a freehand drawing made by combining various components into a single graphic image. Composite drawings are usually of a person but may be of an object as well.

As readers may well know, even the term "composite" can be broken down into two principal categories, composite art and composite assemblage. For our purposes, we will be dealing strictly with composite art, although many of the suggestions and guidelines may be equally relevant to police departments that use the assemblage method. The bottom line, however, is that whether the composite is a draw-

ing or an assemblage, it can be no better than the memory of the witness or victim interviewed.

## What it is, and isn't

A composite drawing need only be a likeness or similarity. Certainly the artist is urged to seek the strongest likeness possible, but it should be kept in mind that the drawing is not a portrait of an individual. It is a graphic record of someone's memory, and as such it is a tool of identification, elimination and corroboration.

One can readily identify several major uses and advantages of composite art. First and foremost, as noted above, is that it records the memory of the witness or victim, and, by extension, the drawing can corroborate the witness's or victim's statement. Then, of course, the composite drawing can be used to identify the perpetrator through recognition by others, or to help eliminate those persons who do not look similar to the drawing. Ultimately, composite art can help reduce the volume of investigative work and, through

quired a degree. The evidence of his competence is the accuracy of his work.

On the other hand, there are a number of alternative approaches to training in this specialized field. College courses can be taken without working toward a degree. The artist can attend classes — at a variety of schools, if desired — to get instruction in such disciplines as art, psychology and language. There are also appropriate adult education classes offered through high schools in many communities. One can study at home through any one of the numerous correspondence courses and "how-to" books that are available, although progress may not be as rapid with this method as it might be with more personalized instruction. And, for those in search of a truly excellent course, the FBI offers a Composite Art Training Course twice each year. Class size is limited and candidates must apply in order to be invited to attend.

Compositing is an art that combines many disciplines ranging from art to psychology, and as

such composite artists should try to broaden their job knowledge whenever and wherever educational opportunities present themselves. But an artist's effectiveness stems from more than just job knowledge; personality also plays a major role. A positive, helpful, courteous, empathetic personality can go a long way toward relaxing the witness and thereby retrieve more of the memory. Conversely, a negative attitude will depress a witness's memory. Job knowledge and the ability to communicate work hand in hand. Communication skills are important not only for interviewing the witness but also for testifying in court and when being interviewed by others.

Of course, the artist who decides to improve job knowledge by taking courses must realize that the most any school can offer is the presentation of information. The rest is up to the individual. But if a composite artist decides to study further, there are two major areas of concentration to consider:

¶ **Drawing skills:** A variety of

subjects in art including basic drawing, proportion, perspective, facial anatomy, rendering, biological variations of race, sex and age, and familiarity with artist's materials and equipment;

¶ **Non-drawing skills:** Including witness psychology and memory, interviewing methods, communication skills and press relations.

## Composite quality

The effectiveness of the composite drawing — its usefulness in identifying a wanted person — will be greater if the quality of the drawing is better. By extension, it all means that an artist who is able to individualize a drawing will render faces more recognizably.

The quality of a composite drawing can be improved, in most instances, if the artist recognizes his areas of deficiency. The following examples of poor quality and acceptable quality drawings should allow the artist to do a fast yet reasonable self-assessment. The illustrations presented are to

Continued on Page 7



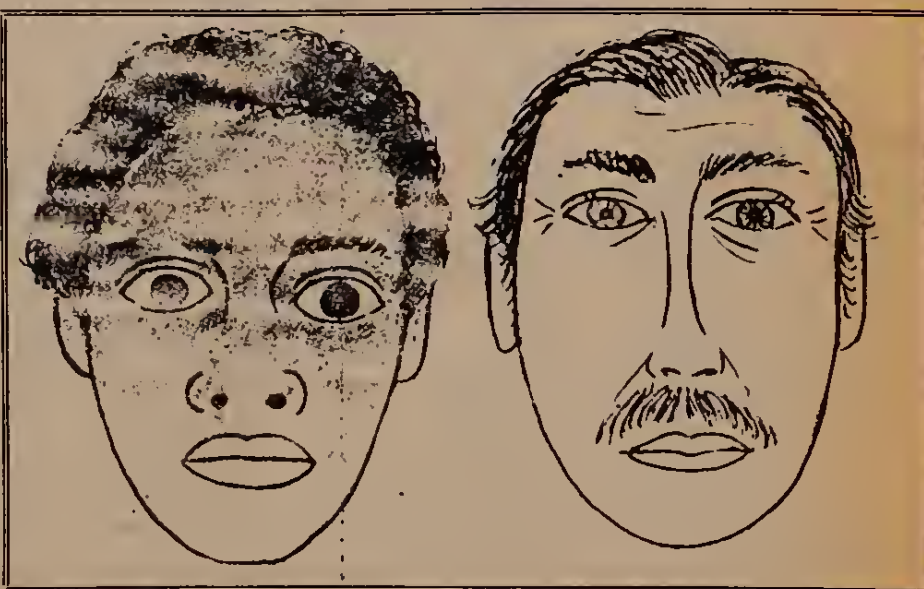
Satisfactory-quality composites: good proportion, form, shading and highlighting.

the interview process that produces the drawing, may even help elicit new information for the investigator.

## Personal considerations

There are no hard and fast rules that dictate that one individual's background will make him a better composite artist than someone with a different background. Before becoming a composite artist, however, the individual should have some ability and skill in drawing, as well as an ability to relate well to people.

While a degree in art is advantageous, it should certainly not be seen as a prerequisite for doing composite art work. There are a variety of ways that an individual can acquire the necessary job knowledge, and earning a college degree is just one of those ways. We cannot automatically assume that an individual will be a better composite artist than someone else simply because he has ac-



Unsatisfactory composite art: glaring deficiencies, including lack of anatomical knowledge, lack of ability to draw with reasonable accuracy.



# Troopers split over 55 mph limit repeal

Continued from Page 1

John Sinclair said his agency is totally in favor of raising the speed limit. Vermont is composed almost entirely of rural Interstate, he said, and enforcement has become virtually impossible — a fact borne out by the state's risk of losing Federal highway funds. While Sinclair acknowledged the life-saving advantages of the 55-mile-an-hour limit, he said the primary cause of traffic accidents in Vermont at present is drivers who fall asleep at the wheel.

Sinclair also noted the unstated bottom line for many agencies, saying, "Being a state police agency, we have other things we'd like to put emphasis on."

While some state agencies see a manpower-freeing benefit in raising the speed limit, other agencies say they are just as content leaving the speed limit where it is. "People are going to cheat on you a little bit anyhow," said Maj. Buren Jackson of the Arkansas State Police. "What you've got if you have a 55-mile-an-hour speed limit is an average speed of about 50 or 65. If you raise the speed limit, the same thing will happen."

The reason for keeping the speed limit at 66 on Arkansas Interstates is simple, according to Jackson: It saves lives. "We know that we're experiencing fewer fatalities now than we were when we had higher speed limits. It was enacted as a fuel-saving device but its side effect of reducing lives is almost immeasurable," he said.

At one time the speed limit on Arkansas Interstates was 75. If a motorist tries to "cheat" at a

speed higher than 75, said Jackson, there would be a serious problem. "We never think that everyone is going to obey it, but I don't think everyone would obey it if it was 66, either."

According to Maj. Peterson of the Iowa State Police, some agencies try to circumvent the 55-mile-an-hour limit by issuing warning tickets for drivers who exceed the limit by a certain amount, or by making speeding a civil infraction. Recently, the Iowa Legislature raised to five the number of traffic offenses that a driver can incur before a driver's license is suspended.

"It has been referred to in Iowa as the right-to-speed law but that's incorrect," said Peterson. "There is no right to speed. It is still a criminal offense in Iowa and it will still appear on your driving record."

The Senate-approved highway bill and its speed-limit amendment have been sent on to the House, where the bill faces a chillier reception. On Aug. 8, the House rejected by the narrow margin of 218 to 198 a plan to establish a five-year test for a 65-mile-per-hour speed limit on rural Interstates.

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# The good, bad & ugly in composite drawing

Continued from Page 6

be used for comparative purposes, but any artist should be able to recognize quickly the category into which his work would fall.

¶ Satisfactory composites: The examples of acceptable composites range in quality from merely acceptable to a high degree of excellence. However, what the acceptable drawings all have in common are good proportion, form, shading, highlighting and control of the medium. As should be apparent, each composite has its own style yet all are of acceptable professional quality.

¶ Unsatisfactory composites: The examples of unsatisfactory work are not actual composites, but rather drawings made to illustrate poor quality. Nonetheless, the illustrations all have some glaring deficiencies. For starters, there is an apparent lack of knowledge regarding the

anatomy of facial features, such as proportion, form and shape. Compounding this problem is the lack of ability to render the drawing in reasonably accurate form, through an understanding of shading, highlighting and medium control. And, when photographic reference material is not used, there is a tendency for the features to appear similar in all of the artist's drawings. This is especially true when the artist has had little or no artistic training.

In the next installment of this series, we will explore the nuts and bolts of setting up a composite art unit.

Frank Domingo is a detective and composite artist with the New York City Police Department. He also serves as chairman of the Forensic Art Subcommittee of the International Association for Identification.

## Supreme Court retrospective:

# Right to effective counsel

Continued from Page 5

cases [for ineffective assistance of counsel] regardless of the nature of the underlying attorney error," the Court ruled.

Chief Justice Burger and Justices Powell and Rehnquist concurred in the judgment but withheld determination of whether admission of reliable evidence (even though violative of the Fourth Amendment) renders the defendant's trial fundamentally unfair, and thus meets the second prong of *Strickland*.

### Body wires

*Maine v. Moulton*, 64 L.W. 4039 (Dec. 10, 1985).

Moulton and co-defendant Colson had been indicted and arraigned on charges on automobile theft. Colson turned informant and told police that Moulton had suggested killing a state witness. Learning that Moulton and Colson planned to meet to plan defense strategy, the police equipped Colson with a body wire transmitter. Colson was warned not to question Moulton, but his remarks caused Moulton to make a number of incriminatory statements which were used at trial after the denial of a motion to suppress. The Supreme Judicial Court of Maine reversed because of the use of statements obtained in violation of the right to counsel.

In affirming that judgment, Justice Brennan cited *Massiah v. United States*, 377 U.S. 201 (1964), noting, "Because we hold that the Maine police knowingly circumvented Moulton's right to have counsel present at a confrontation between Moulton and a police agent, the fact that the police had additional reasons for recording Moulton's meeting with Colson is irrelevant."

Chief Justice Burger and Justices White, Rehnquist and O'Connor (in part) dissented on the grounds that the inquiry here was designed not to get evidence as to the crime with which Moulton was charged, but to investigate his intent to kill a state witness.

### Perjury plans

*Nix, Warden v. Whiteside*, 54 L.W. 4194 (Feb. 26, 1986).

The defendant suggested to his attorney prior to trial that although he previously had not recalled seeing a gun in the victim's hand when the defendant stabbed the victim, he intended to testify that he saw a gun or "something metallic" in the victim's hand. Counsel informed the defendant that if he testified falsely, it would be counsel's duty to inform the court that defendant intended to commit perjury and also to withdraw from the case. The defendant testified in his own defense but did not state that he saw a gun, rather only that he "knew Love had a gun" and thought he was reaching for one, so he acted swiftly in self defense. The defendant was convicted of second-degree murder and requested a new trial on the ground that he had been deprived of a fair trial by counsel's admonitions not to testify that he saw a

gun or something metallic in the victim's hand. A new trial was denied, and the Iowa Supreme Court affirmed on the ground that an attorney's duty does not extend to assisting a client in the commission of perjury.

On petition, the U.S. District Court denied relief, but the Eighth Circuit Court of Appeals reversed on the ground that counsel's threat to inform the court of defendant's intent to commit perjury violated his duty to preserve the client's confidence and therefore breached the standard of effective representation set forth in *Strickland v. Washington*.

On certiorari, Chief Justice Burger reversed, writing that: "An attorney's duty of confidentiality, which totally covers the client's admission of guilt, does not extend to a client's announced plans to engage in future criminal conduct. . . . In short, the responsibility of an ethical lawyer, as an officer of the court and a key component of a system of justice, dedicated to a search for the truth, is essentially the same whether the client announces an intention to bribe or threaten witnesses or jurors or to commit perjury."

"The rule adopted by the Court of Appeals," the Chief Justice continued, "which seemingly would require an attorney to remain silent while his client committed perjury is wholly incompatible with the established standards of ethical conduct and the laws of Iowa. . . ."

Justices Blackmun, Brennan, Marshall and Stevens concurred in the judgment on the ground that no legally cognizable prejudice had occurred, but the concurring Justices suggested that the majority went too far in adopting ethical standards for attorneys in state cases.

### Pre-counsel statements

*Michigan v. Jackson, Michigan v. Bladel*, 64 L.W. 4334 (April 1, 1986).

Two suspects were accused of murder in two unrelated cases. Both were arraigned and requested counsel. Before they had an opportunity to consult with counsel, both were interviewed by the police, advised of their *Miranda* rights, and both agreed to give statements without the presence of counsel. Both were convicted. The Michigan Court of Appeals reversed in the *Bladel* case and remanded for a new trial. In the *Jackson* case, the Court of Ap-

peals affirmed the murder conviction. The Michigan Supreme Court reversed the Court of Appeals on the *Jackson* case and affirmed the *Bladel* ruling, holding that both statements were improperly admitted.

On certiorari, with Justice Stevens writing the opinion, the U.S. Supreme Court affirmed. Applying the principles enunciated in *Edwards v. Arizona*, 461 U.S. 477 (1983), that after counsel has been requested the police may not initiate further questioning until counsel has been made available to the suspect (although the accused may initiate further communication, as in *Oregon v. Bradshaw* 462 U.S. 1039 (1983)), the Court observed that:

"... [T]he Sixth Amendment right to counsel at a post-arraignment interrogation requires at least as much protection as the Fifth Amendment right to counsel at any custodial interrogation."

"We thus hold that, if police initiate interrogation after a defendant's assertion at an arraignment or similar proceeding of his right to counsel, any waiver of the defendant's right to counsel for the police-initiated interrogation is invalid."

Justices Rehnquist, Powell and O'Connor dissented, pointing out the lack of logic in the majority's requirement that a request for counsel must be made at the arraignment since the Sixth Amendment right attaches after adversary judicial proceedings whether requested or not.

In the coming weeks we will review the last term of the Burger Court and its decisions in the areas of double jeopardy, right to confrontation of witnesses, right to speedy trial, the continuing controversy over the death penalty and other criminal justice matters.

The preparation of the columns assessing the work of the 1986-86 Supreme Court term has been greatly assisted by the outline of principal criminal cases during the last term presented by the Hon. Joseph R. Weisberger of the Supreme Court of Rhode Island at the American Bar Association's recent convention in New York.

Jonah Triebwasser is a former police officer and investigator who is currently a trial lawyer in government practice. He is admitted to the Bar of the Supreme Court of the United States.

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**Burns:**

## Cooperative effort: the name of the game

By Arnold I. Burns

Law enforcement is a matter of constant effort and vigilance, enhanced immeasurably by cooperation. Nothing emphasizes that cooperation like the law enforcement coordinating committees.

Enforcement of the law is a tough business, and that burden has traditionally fallen on our state and local governments. This is natural. They are, you might say, closest to the scene of the crime. On the other hand, the Federal Government has traditionally been active in those limited areas of overarching national concern. This is also as it should be under our federal scheme of government.

Over the years, some ferocious turf battles have been waged between our dual sovereigns, with the effect of benefiting the criminal at the expense of the public. Today, fortunately, intergovernmental and interagency rivalry is declining. This is not just happenstance. It has required a commitment on the part of law enforcement leaders at every level — local, state and Federal.

Both Attorneys General under the Reagan Administration have made major commitments to law enforcement cooperation and coordination. It was Attorney General William French Smith's Task Force on Violent Crime that originated the concept of the LECC. His

successor — my boss, Attorney General Meese — rarely misses an opportunity to take part in an LECC meeting as he travels the country. He recognizes that if cooperation is to endure and grow, we must constantly, constantly cultivate it.

If ever there was a crying need for a team effort, it is in New Jersey and New York. This Northeastern corridor is simply too vital strategically to permit operations to continue in an ad hoc way. When it comes to drugs, to organized crime, even to environmental enforcement, we must have a single, integrated strategy. Believe me, our opponents are well organized.

The LECC concept is working well in many districts across the nation, and in some, fabulously. Since 1981, when the first LECC's were organized, we have forged stronger ties among Federal, state and local law enforcement agencies in every part of the nation. As a result, our coordinating committees now have a solid record of accomplishment under their belts — and the prospects of success are even better ahead.

LECC's have been laboratories and proving grounds for the development of

new law enforcement methods and techniques. Good ideas originating in one LECC have become models for LECC's in other districts. By using the LECC approach and working together, we can avoid duplication of investigation or prosecution efforts and avoid reinventing the wheel. We must put aside divisive competitions and one-up-manship for the sake of our overall crime control effort — particularly against drugs. We must pull together. The public expects it. And the way to do it is through your LECC's.

But let me dispel right now any suggestion that the LECC is simply a stalking horse for Federal control of state and local enforcement. Absolutely not. State and local agencies bear the lion's share of law enforcement responsibilities in the

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## Other Voices

A sampling of editorial views on criminal justice issues from the nation's newspapers.

### More bang, less buck on drugs

"President and Mrs. Reagan deserve credit for focusing more national attention on drug abuse. Yet for all the buildup, the White House's touted antidrug program offers only louder language, fewer dollars and as many dead ends as the frenzied bill passed last week by the House. The centerpiece of the Reagan program is a centerpiece only for controversy. Drug testing of Federal workers will make headlines, cost relatively little — and do very little to reduce the problem. The more obvious answer, aggressive law enforcement to limit the supply of illicit drugs, is not much of an answer either, as frustrated cops and customs agents know. Officials admit they are overwhelmed and don't know what other direct law enforcement approaches to take. That sobering fact hasn't stopped Democrats in Congress from spending more for such approaches anyway. Experience suggests two areas of much greater promise: diplomatic efforts to persuade foreign growers of drug crops to grow something else, and freely accessible drug treatment programs at home. For these goals, however, the House and Senate would provide comparatively little new money. Mr. Reagan, for his part, offers only \$100 million to expand access to drug treatment. And he provides not a cent to expand existing crop eradication and substitution programs overseas. Congress seems determined to pass a bill before the election, with a full dose of congratulatory bombast and irrelevant aims. The President might have steamed in a more constructive direction. What he offers instead is more wind."

— The New York Times  
Sept. 17, 1986

### A speed-up for suspects

"In a clash with the state's attorney's office, the city's lawyers and the Chicago Police Department are threatening to release suspects 24 hours after their arrest if prosecutors have failed by then to approve charges against them. Spokesmen for the state's attorney say that isn't time enough. They point out that the Juvenile Court Act allows 36 hours to process charges against young offenders, and that it often takes that long to check out an adult suspect's alibi, fingerprints, aliases and so on. A 24-hour deadline would result in freeing a lot of suspects who belong in jail. A squabble among law enforcement agencies can hardly be called a good thing. Still, this one focuses attention on a nagging problem: What is a reasonable amount of time to hold a suspect without a formal charge? Obviously it is wrong to put someone in jail on suspicion, then take unlimited time to decide whether he belongs there. On the other hand, it is hardly serving the public interest to compel hurried investigations and hasty decisions by the state's attorney's office. Finding the right balancing point between these two interests is the problem. It is one that law enforcement agencies have always found easy to overlook. They seem to think that if some luckless mope spends a few undeserved days in jail — well, that's the breaks, right? What's good about the current clash is that each side now has something to lose and is sensitized to the need for speed. The best result for all concerned would be a new, computerized program designed to save time, both for busy assistant state attorneys and jailed suspects waiting to find out what they're accused of doing."

— The Chicago Tribune  
Sept. 5, 1986

### Cocaine: new front in drug war

"For an operation that began as anything but a textbook case, the joint U.S.-Bolivian raid on cocaine processing plants there seems to have produced amazing results. The official word now is that the export of finished cocaine from Bolivia has almost ceased. The operation's success should encourage follow-up in Bolivia and diplomatic initiatives to negotiate cooperative anti-drug strikes in other exporting nations. U.S.-Bolivian cooperation will have to continue for the raids' success to last. More important, a joint effort should be made to find alternative crops for the thousands of Bolivian coca farmers. This would be a small price to pay for the chance to stanch the flow of a drug that is doing billions of dollars in damage to the United States already."

— The Cincinnati Enquirer  
Aug. 27, 1986

**Williams:**

## Everyone's problem: drug 'scourges' & 'bums'

By Hubert Williams

If the nation is to succeed in controlling and reducing drug abuse and trafficking, the public must be certain about the nature of those who consume illegal narcotics.

They are scourges. They are bums.

This is so whether drug users are addicts, trendy weekend consumers or once-a-month dabblers; whether they are street derelicts and doorway junkies or athletes, politicians, lawyers, doctors, mechanics, factory workers or whatever.

"Scourge" and "bum" were terms applied to me at a time almost 25 years ago when public condemnation of drug users was clear and virtually universal, when a chic tolerance for drug abuse was only beginning to develop.

My first job out of the police academy in Newark was as an undercover narcotics officer. I would stand at the corner of Broad and Market streets, waiting to make a score, buy heroin and develop informants. To be persuasive in my role, I would nod, hold my nose as if it were running and simulate the edginess of a junkie needing a fix.

One evening, a fellow my age walked up to me and stared intently. "Hubert Williams," he yelled. "You're a bum, a scourge. I ought to smack you. Look at you. You're a junkie." He was a high school classmate and he saw me as part of the plague of drug abuse and trafficking that then was pretty much confined to ravaging the inner city.

I wanted to tell that, no, I was a police officer. But that would have blown my cover. Instead, I mumbled something about "a man's gotta do his own thing."

And I felt the shame that real drug users should be made to feel for what they do to their family, community and nation.

Blacks know firsthand the effects of drug abuse. They have watched the plague of illegal narcotics destroy great portions of their youth and neighborhoods. It is a source of bitterness that the latest round of widespread national concern about drug abuse has occurred only as cocaine became widely used by whites and the middle and upper class.

The plague, of course, long ago spread beyond the inner city and now infects every level of society. I never thought that would be possible in the early 1960's. As a young officer, I believed that dedicated police work alone would reduce to a manageable minimum the illegal drug trade. Those frightening nights working undercover would pay off.

But over time, I learned — and I believe that most of my colleagues in American law enforcement have come to accept — that the police are limited in what they can do to curb drug abuse and trafficking. To some degree, we can disrupt the supply and limit the sale of illegal narcotics. But unless attitudes change and demand diminishes, the plague will continue.

That is why it is important to identify drug abusers as scourges and bums and to make certain we — and they — understand why these terms apply. That is why it is particularly important that

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Hubert Williams is president of the Police Foundation. This article is reprinted from the Washington Post.



Some like it hot. If so, Hubert Williams must be among them. Williams, currently in his second year as president of the Washington-based Police Foundation, is unmistakably fond of noting that he came to the foundation "from the heat of the fire" — the fires of policing in Newark, N.J. It would be just as well, too, if Williams liked the heat, because from the standpoint of a police administrator it can get hotter in Newark — one of the largest poverty-ridden cities of the Northeast — than in just about anyplace else. The city has been known to consume municipal officials, including police directors, with some regularity, yet Williams survived in the fire — some would say he thrived — for 11 years, longer than any other police director in the city's history.

Although the environment of a research organization like the Police Foundation is markedly different from that of a large urban police department, Williams can be said to have stepped into the fire yet again when he became president of the organization in May 1985, succeeding Patrick V. Murphy. Williams was no stranger to the wide world of criminal justice research, having directed a multimillion-dollar anticrime program in New Jersey. Yet taking over for a man like Murphy, and taking the helm of an organization like the Police Founda-

tion, might have been a daunting proposition for an individual of lesser constitution.

Williams is not the type who is easily daunted (Even a veteran interviewer's best efforts at running him ragged left the cagey veteran cop unruffled.) Williams has known his fair share of challenges, too. Beyond the day-to-day challenge of squeezing blood from a stone as police director of Newark, he found time in his career to win a bachelor's degree in criminal justice and a law degree. He was the founding president of the National Organization of Black Law Enforcement Executives (NOBLE), which was founded with help from the Police Foundation.

Despite the fact that Williams acknowledges the differences in tone between a police agency and a research institution, his overall manner tends to betray his background in "the fire." Yes, he concedes, research needs to be undertaken in a cool, calm, detached sort of way, yet his speaking style and manner are nothing if not energized. Words, ideas and plans tumble out of Hubert Williams with the same relentless pace that nar-

cotics surge across the American border (and it's particularly true when the subject at hand is narcotics in America). No question is too tough to be denied an answer, and by extension, one could say, no criminal justice problem is too tough to go lacking for a solution.

Williams has been a growing presence in American policing for some 10 or more years, and his day-to-day work in Washington seems likely to increase the forcefulness of that presence. In a position to rub elbows (and swap ideas) daily with the likes of Senators, Congressmen, Justice Department officials and others, Williams is not likely to be wanting for receptive audiences. Nor is it likely that he'll run out of ideas. Whether the subject is gun control (which he fought for as a member of the Law Enforcement Steering Committee Against S.49), or narcotics, or police effectiveness, or fear of crime, Williams can be both serious and brash, a voluble speaker and a willing listener. Perhaps 18 months is too short a time in which to expect the Williams stamp to be left on the Police Foundation, but one mustn't forget that Hubert Williams has been through "the fire." He's not likely to be easily put off by the challenges posed by life in the research community, or life in the cauldron that is Washington.

**"My first reaction to the tremendous uproar of the public on the drug issue was 'Thank the Lord that it's finally come.'"**

## Hubert Williams

**President of the Police Foundation**

Law Enforcement News interview  
by Peter Dodenhoff

**LAW ENFORCEMENT NEWS:** It's been about 16 months or so since you became president of the Police Foundation. Is it too soon to be talking about actual or potential changes in the focus, direction or philosophy of the foundation?

**WILLIAMS:** Definitely not. But in order to talk about changes I think it's important that we establish the framework for where we are and where we have been, so that we can see the differences. Research has been the centerpiece of the organization's philosophy and direction since its inception. It is the thing that makes the Police Foundation unique from other organizations in the law enforcement community. We do empirical fieldwork research in local law enforcement agencies that we feel can help the institution of police in this country to move ahead a notch or so, to improve the way that they deal with and service the needs of the citizenry.

That tradition legacy at the foundation will be continued. I have no desire to change that at all. The question that I've groped with coming out of the fires, so to speak, on the line in Newark, is how can the Police Foundation better aid and assist these departments. When you look at that and you look at the organization as pro-

ducing qualitative research, then the area in which we can exercise some leverage to expand on what we've done is in the area of technical assistance. So that's really the difference in where the foundation has been and where it's going to go in the future.

**LEN:** Can you give me a for-instance?

**WILLIAMS:** We did, for example, the fear reduction study in Newark and Houston. We've published that in the media and that study's been sent out to police departments across the country. The Police Foundation can use the experience of these two cities, and its experience in looking at these cities, to assist other departments in implementing programs, so that we move beyond the focus of research and communications to research, communication and technical support and assistance. We want the results of the foundation's research to be implemented by departments, and we feel that by doing that we move down the road toward the foundation's mission, which is the improvement of American law enforcement.

**LEN:** Is that kind of thrust made more viable by the fact that there now exists a 15- or 20-year legacy of literature and proven research projects to call upon when it comes to things like replication?

**WILLIAMS:** It is. Years ago, the body of knowledge was simply not there. The foundation and other organizations like it have produced a tremendous body of knowledge now for the policing profession, and I think that aids and assists departments in a myriad of ways.

**LEN:** Apart from the fear-of-crime study, which was already in progress in Newark when you left there, are there any other "pet topics" that you might have brought with you to Washington?

**WILLIAMS:** There are a number of things that we're concerned about. One is the terrorism question. Another problem for policing is this whole question of liability. Cities like Newark and other major cities across the country simply cannot get insurance anymore; it's unaffordable for them. A lot of these cases that impact on the municipal treasury come from incidents with police and litigation brought against police. The Police Foundation conducted a survey of 150 police departments to find out their concerns in this particular area and whether or not they felt it would be something that the Police Foundation should get involved with. We got a resounding "yes." As a result of that, we have developed a police liability project, directed by Candace McCoy, and we

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**"After 16 years of effort, we have looked at an awful lot of the important areas in policing, so although the needs are still there, it's clear that they're not as great as they were 15 or 16 years ago."**

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should be offering support and assistance in this area within another six months.

LEN: How much of the liability crisis that's currently plaguing police departments is actually within the control of police agencies — perhaps through changes in rules and procedures — as opposed to being in the hands of the insurance industry itself?

WILLIAMS: The whole question of police liability is predicated on departmental policies and practices, to the degree that departments are in compliance with law and court decisions that establish the law. Yet many departments are operating as if these decisions simply didn't exist, and they're exposed because of it. In many instances the policies are outmoded. There needs to be, in our view, a fresh look at these practices and policies of departments to make certain that they're in conformity with the law.

Now, in response to your question, if an officer is sued by a citizen, it's generally because the officer did something that he should not have done, or there's something that he didn't do that he had an obligation or a duty to do. So implicit in that is the entire question of training, and this issue of training is primarily the responsibility of the departments themselves, as are the policies that are established. Take shooting policies, for instance. After *Tennessee v. Garner*, it's clear that we need to take another look at our shooting policies and make certain that they're in conformity with the law, that our officers understand what the law is and understand how they're supposed to react to different sets of circumstances involving citizens of the community.

LEN: In terms of the foundation's police liability project, exactly what kinds of assistance will be offered to local police departments?

WILLIAMS: We hope to establish a network called PLAN, for Police Liability Assistance Network, and the departments that will be participating in this network will be privy to all of the information that's within the Police Foundation's computer banks. We also intend to establish seminars in which we will bring in the best expertise in the country to focus on these issues and to help police departments analyze them in light of existing statutes — and also, to help police departments look at their policies and perhaps reform or reshape their policies.

#### Slowing down the pace?

LEN: A perusal of Police Foundation literature shows a multitude of police-related research projects being conducted in the 1970's, yet the same does not appear to be the case in the 1980's, with the volume of work appearing to have dropped off appreciably. To what might this apparent decrease in research be due?

WILLIAMS: There are a couple of points there. Some of the Police Foundation's work has been very expensive, and it's been over a protracted period of time — like the Newark foot-patrol study, for example. It probably took about four years before that was actually published to

reach the market. The fear-reduction study is another multimillion-dollar study that's taken a period of years before it was finally marketed. Another thing is that the Police Foundation is very active, but not all of the work by the foundation necessarily gets to be published.

LEN: Is funding a number of large-scale, meaningful research projects now more of a problem than it might have been in the past?

WILLIAMS: The money is another question, although I haven't really correlated it. But you recall that in the early years of the foundation the Ford Foundation provided \$30 million for the Police Foundation, so there was a tremendous amount of money available to do research. Then there was LEAA, which was used to a limited extent along with the Ford money. LEAA went out of existence, so there was a period in which the amount of money available had diminished considerably. Then you have Chips Stewart's involvement as an important juncture, because he brought a police focus to the National Institute of Justice, and that meant that a greater amount of resources became available as a result. So there's a whole series of reasons that account for this, and the resource question is one of the biggest reasons.

LEN: Is there likely to be any resurgence in the volume of research to levels that approach those of the 70's, or will it remain a case of selective targeting to pick the issues that are most in need of attention?

WILLIAMS: Well, in those days there was no research; we knew nothing. So there was just a plethora of areas in which the police community needed to understand more, and the focus was on those areas. Now after 16 years of effort, we have looked at an awful lot of the important areas in policing, so although the needs are still there, it's clear to me that they're not as great as they were 15 or 16 years ago. But as to whether or not there's going to be any vast improvement in the quantity of research projects in the immediate future, the indicators suggest to me that the roads ahead are not that smooth, because the state of our economy is not good. There may be a lot of unanticipated changes as far as the way the Federal Government goes about putting up resources. It has done this through the National Institute of Justice, the Bureau of Justice Statistics and now BJA [the Bureau of Justice Assistance] for the criminal justice system. To what degree will it do that in the future? With the budget deficit and the other problems in the economy, I can't see any significant increase in

**"Women are beginning to make their mark in policing, and that change is probably greater in policing than it is in any other sector in our country."**

the amount of resources available. My guess is that there will be a decrease as far as those monies are concerned. What we will have to do in order to help the policing community is to use the resources that we have more wisely.

LEN: Tied into that is the whole idea of replicating proven winners in the area of police research projects. Is replication or institutionalization of successful projects taking place on a scale that you find satisfactory?

WILLIAMS: I think that's one of the really positive things that Mack Vines has brought to the Bureau of Justice Assistance, because he has established a priority that successful programs in policing be replicated. As a matter of fact, the Police Foundation will be assisting BJA in getting police departments to implement programs that have proven effective across the board.

LEN: Are there still any serious pockets of resistance to implementing new ideas in police departments?

WILLIAMS: No, I really applaud the American police as an entity, an institution for the tremendous change that they have made in the last decade or so. I can't think of another institution within our society that has changed so much, that has been so receptive to change. If you recall 12 or 15 years ago, it was hard to get into these police departments; researchers were seen as people who would pry and who could embarrass the department. We didn't want outsiders sticking their noses into our business. A lot has changed. Police departments today look to research and experimentation as a way to help them do their jobs better. They've seen the experiences in Kansas City, in Minneapolis, in Newark and

in other places as opportunities to improve, and those departments that have been involved with the research have been applauded nationally for their participation. The resistance to outside intrusion, of which research was a part, broke down 10 years ago or so. Police departments and police chiefs look to community resources as a way to assist them in doing their job more effectively, and police departments as a rule welcome people to come in and take a look — not just anybody, but they want to be certain that the people who come in are reputable. I think that's just a tremendous change.

There's a couple other things as well. The Police Foundation did some research more than a decade ago regarding policewomen, and the question was whether or not policewomen can do the job of policing, and do it as effectively as a male officer. In those days women were in police departments in limited numbers, working mostly in support areas. The conclusions that resulted from our research was that they could do the work as well as men. In some departments now, the number of women they have is enormous, and some departments have women in very high ranks. So women are beginning to make their mark in American policing. That is a tremendous change, and I would argue that that change is probably greater in policing than it is in any other sector in our country. I don't think the private sector can meet the record that has occurred in policing in the last 10 years.

Then there's the whole question of minorities in policing, particularly blacks, and whether or not blacks could manage or run a police department. Part of that issue was rooted in the concern that white officers would not respond to the leadership of black officials; the department simply would not work the same way it would if a white chief was running the department. Plus there's the matter of bringing in more police officers at the bottom level. Many chiefs were saying they can't find qualified minorities to hold the position of police officer. That has changed tremendously. In the six largest cities in America, four of the chiefs are black, and blacks have increased their numbers within the patrol ranks and other ranks significantly. It's not uncommon to see blacks, Hispanics, Orientals and women as police officers, and this is important, because this brings us back to one of the most important principles on which the police as an institution was established in 1829, when Sir Robert Peel said the police must be of the people, in tune with the people and drawing their strength from the people. The opening of the bureaucracy to all elements of society was a critical turning point in American policing. We have significantly achieved that objective today. Not completely, by any means, and

there are pockets of resistance out there. But we've got to put that in context of the changes that have occurred over the last decade, and use that frame of reference when we look to the future.

LEN: To what extent would the growth of women and minorities in the ranks of policing be due to any effort on the part of the Police Foundation?

WILLIAMS: We did one of the premier pieces of research on policewomen, and the foundation funded a conference back in 1976 that brought together the top black leaders in policing. At that meeting NOBLE [the National Organization of Black Law Enforcement Executives] was formed. So I don't want to make an across-the-board statement that the foundation's efforts have been tremendous or significant in this area, but it is clear to me that the Police Foundation, at a time when other organizations shunned these issues as too controversial, stood at the fore and provided not only rhetoric but resources as well. That was the genius of Pat Murphy, who was ahead of his time.

LEN: Looking again at the question of replicating research projects, do you get any sense that police research efforts are occasionally hampered by the fact that "hot topics" spring into the public consciousness and divert attention from more basic, more pressing research needs?

WILLIAMS: That's why it's important to have a Police Foundation, because the Police Foundation is an autonomous, independent organization and it doesn't have to respond to the hottest issue on the market. This



# Williams: 'Drug-abuse research is marginal'

may not necessarily be the case for governmental agencies. We all have a tendency — and that includes the Police Foundation — to be drawn into the hot issues that the public is concerned about, because we're here to serve the public. But it's one of the things that we've got to be very careful about. Research should not be predicated on the whims of the moment, but must take a long-range perspective in trying to increase our understanding about the area in which we work and serve.

**LEN:** In that vein, the hottest topic of the moment, it seems, is the whole question of illegal drugs. Given the current passion for drug enforcement efforts, is there any ongoing research to assess the viability of various enforcement strategies that have been tried?

**WILLIAMS:** Let me first give you a general reaction, then an answer. My first reaction to the tremendous uproar and concern of the public on this was "thank the Lord that it's finally come." The public concern and outrage being expressed about a problem that's reached almost epidemic proportions in our nation will reach the people that provide the resources, and perhaps we can begin to focus our efforts on this critical problem. The other side of that is that as the issue has heated up you've seen increasing numbers of leaders trying to out-jump each other to see who's going to be at the head of the pack. We are predicating our views and putting up resources not on the basis of well-thought-out research programs, but on the basis of what can you come up with that sounds reasonable that you think we can sell at the moment to be responsive to public concerns. That's really the wrong way to deal with such a serious and important problem as the drug problem in this country.

Having said that, I would answer by saying that the problem is the inadequacy of the research. There's really very little of substance that's been done in this area. We're more in a reactive mode than anything else.

**LEN:** Is that to say that all of the various proposals that have been offered in the last year or two — maybe longer — have amounted to pouring water into a sieve, giving the appearance of progress but no real substance?

**WILLIAMS:** In my view, the research in the area of rehabilitation and treatment is simply marginal; it's one of the gaping needs for the future if we are to deal with the narcotics problem. But I would be the last to say that we were pouring money down a sieve, because as I look at our country, I think of what Winston Churchill once said about Communism — that it has within itself the seeds of its own destruction. I have wondered in recent years about our democracy, and whether freedom without restraint in effect causes the same kind of thing. There have to be limitations and restraints, and I've always questioned the seriousness of our country in dealing with the narcotics problem because we tend to treat people differently depending upon the status they hold when they become addicted or involved with the use of drugs. If narcotics possession and use is a crime, then in a democratic republic people should be treated the same whether they're in the streets, on the street corners, football players, airline pilots or others holding important and prestigious positions. As long as we continue a practice of treating some people differently because of their status, then I think we're not giving the kind of message that says we're serious about this problem.

**LEN:** Would that extend to those in uniform?

**WILLIAMS:** There are many ways you can look at that, but in my view the bottom line must be the question for which the institution was created in the first place, and that is to serve the public. If an officer is not fit to serve the public, then that officer is a problem for the police department and the department must have policies and practices to deal with problem officers. Now there are some things that are so essential to the duty of the department that I don't think there's much choice involved unless you blink your eye. And that is enforcing the law. The police officer is in no better position than any citizen with respect to the law. If a police officer is in violation of the law, the department is duty-bound to take action.

The issues that will be raised will be those regarding legal standards with respect to the point at which a department has the right to have the officer take certain



Seen here during his days as police director of Newark, Williams confers with his local Congressman, Rep. Peter Rodino, chairman of the House Judiciary Committee.

tests to find out if the officer is using drugs. Probable cause is the general standard, but there's a lesser standard that some of the courts have used, and that's the reasonable suspicion standard. But neither one of those standards are met when a department is involved in random drug testing of officers. Most unions that I've heard speak on the issue do not have a problem if the standard of reasonable suspicion or probable cause is met. Their objection is to the random testing. So what you have in place here is, on one side, a constitutional question — the fact that officers are duty-bound to enforce the law regarding possession of narcotics is now standing against the other issue of whether or not the department enforcing this law is acting in a way that's consistent with the constitutional mandate. This issue has not been decided by the Supreme Court, but a number of the circuits have ruled on the question, and recently in the Plainfield, N.J., case [see story, page 3], the court held that the department failed to meet a reasonable suspicion standard with respect to the testing of these officers.

Now if you've got officers that you suspect of using drugs, and we adhere to a standard that requires that probable cause or reasonable suspicion exist before some action can be taken to determine whether the officer is under the influence, the risk for society and the citizen is that the officer may in fact be under the influence and may have to use his weapon and end up hurting innocent citizens, or he's driving the vehicle and ends up hurting people. These are areas in which the police literally hold lives in their hands; life is hanging in the balance. Part of the unresolved questions that we've got to deal with in the future is how can we limit the risks that citizens have to face when officers may be involved in the use of drugs but a department is not able to discern that involvement and the officer subsequently takes some action. How do we deal with that? We need to do a lot of thinking about that question, we need to analyze it carefully. But if reasonable suspicion is going to be the standard, and we're not going to be able to take action until we meet that standard, then the departments have a duty to figure out ways to scrutinize more carefully so as not to put an undue burden of dangerousness on the public. This issue, as far as I'm concerned, does not run merely to police as a class, but to a broader class of people who handle emergency responsibilities and hold the lives of the public in hand.

The difficulty in responding explicitly to the question with great depth is simply that no one has really done the work that had to be done to give us the kind of answers that we need to put in balance our obligations to the citizens and our duty to comply with constitutional standards.

**LEN:** With respect to drugs, are we in danger of rushing

in to try to solve a problem before we really know all the ramifications of the problem and how best to solve it in light of those ramifications?

**WILLIAMS:** We are in danger of not using our resources as wisely and as efficiently as we should. Our responses are primarily emotional, growing out of the fervor that is demonstrated within all sections of society. People want something done about this problem, and we're getting up a big head of steam, with everyone rushing to try to find the solution. But solutions take time, and we simply never focused on this.

There are a couple of other points worth making. We will never approach a reasonable solution to this problem unless we first recognize that it must be a comprehensive effort by our society. The police can only be a contributing factor to the resolution — an important factor, but only one factor. If narcotic addiction is in fact an illness — psychological and physiological — then I don't know anything within the capability of local or Federal law enforcement that certifies them to deal with these kinds of problems. I would think that the American medical community has some responsibility to participate in the solution, because that drives the whole question of need and demand. It is not simply a question of saying "no," because to say no you're only dealing with people that do not have the problem. What about the hundreds of thousands, if not millions of Americans that are hooked and dependant on drugs? How do we deal with them? You can't say just say no. You've got to find a way to resolve their illness, and that will require participation by people that are qualified.

So we've got to have an interdisciplinary approach to the problem that will be responsive to this national mood in the country. We've got to have leadership, then, to resolve the narcotic problem, and it has to come from higher levels than the police. Without a comprehensive approach, we look at the resource question and what do we do? We put more money into the police. I think more money should go into the police, but in New York there are people waiting in line to get into the treatment programs; there's no room for them to get in. So you can't resolve this problem simply by dealing with it from the police perspective. If you focus on cleaning up this problem through arrests and you crowd the jails, these people are going to be put right back out on the streets. It requires a comprehensive approach that must look at all the complicated issues related to the problem, and we must make certain that everything is in sync and we have a unified national effort — not some helter-skelter kind of approach, whether it's coming from the Congress or the Administration.

**LEN:** Does the fact that the narcotics issue is such an emotionally charged topic work against the need of

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# Interview: Police Foundation's Williams

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researchers for time to engage in calm, comprehensive, thoughtful analysis?

**WILLIAMS:** It certainly does. It's really bad that it's occurring this way. It's probably better having it this way than not to have anything at all, but it's not the best use of scarce governmental resources. I agree totally with you on that.

## More with less

**LEN:** Looking at the issue of scarce resources, what impact do you see the Gramm-Rudman budget-balancing law having on the future of criminal justice research?

**WILLIAMS:** It's difficult to tell. I think if the imbalance continues to grow, and we continue to hesitate before taking steps to deal with this problem, then the answer to this deficit will be emotional and not reasonable or well thought out. In that environment, research can perish.

**LEN:** At this juncture, are you aware of any Federal research efforts that might be zeroed out of the budget in the future?

**WILLIAMS:** There are constantly rumors in the marketplace. I've been here a year and a half, and I'm clearly not a seasoned veteran of the Washington scene, but I have learned a few things. One is that you can't put too much stock in projecting Congressional or executive action until you've actually seen the action occur. It constantly changes. I don't know why these things that seem so clear and imminent shift and change the way they do, but after it occurs enough you begin to realize that you can't really tell until the situation is in fact in place. A couple of months ago it seemed like disaster, with the research budgets of all Federal agencies being jeopardized. There was a rescission order and it seemed clear that this would occur. But the Congress did not support the rescission order, the monies for research were back in place and things continued to move forward in this area. The issue will depend on whether we act while there's yet time to act reasonably, or in the alternative, we are forced to deal with the problems in more of an emergency way.

## The only thing to fear...

**LEN:** Let's turn to the recently-published fear-of-crime study for a moment. What was learned from that effort that made it worth its \$1.8-million price tag?

**WILLIAMS:** Sure seems like a lot of money, doesn't it? I think that it's too early to really put your finger on it, although some things are clear. One is that police chiefs are now re-evaluating their approach based on some of the things that we've learned in the fear-reduction program. We got hundreds of requests here for the document, and we will be involved in a seminar next year to discuss the next step. The Chief of Police in Houston, Lee Brown, is now looking to the future as he establishes the style of policing that his department will have, and an awful lot comes out of the experiences of that department in dealing with the fear study, because we learned about the relationship between police and citizens. We learned that any non-threatening contacts between the police department and the public are really important for the way that citizens will look at the police department. So at this point we're thinking seriously about looking at the problems associated with community-oriented policing — management problems — to see if we can give these enlightened departments that are moving forward some leverage so that they can get there quicker. I think the fear-reduction program caused police departments to reassess and evaluate the way they've been going about policing the communities. In the next five to ten years I believe we're going to see significant shifts in the way that police go about their business, and some of that will come directly from the knowledge that was gained in the fear-reduction program.

**LEN:** Does that include awareness of successful program components as well as the components that were less than successful?

**WILLIAMS:** You're being too kind. Some of them just plain did not work. We're doing a project now in

Baltimore that combines the Houston and Newark experience. You see, we need to find not merely whether programs worked or didn't work, but why they didn't work, and whether they should be completely discarded or is there some reason for their not working. For example, a police call-back program in Houston in an immigrant community could create more fear, because people feel threatened just having the police call them. So we learned a lot as we took the first cut out of this particular research approach, and I think it will have to be refined, as is being done in the Baltimore project and as will be done in other projects. I think that the fear-reduction project was enlightening, and its ultimate result will be to cause police chiefs to re-evaluate the way they do policing.

**LEN:** In a general sense, couldn't it be argued that a certain level of fear of crime is a healthy thing, in the sense that that fear can be channeled into positive crime-reduction efforts and at the same time avoid complacency?

**WILLIAMS:** The fear-reduction program was not designed to dispel all fear. It only focused on unreasonable fear. If a woman is walking down the street at night and she's got a choice of taking a shortcut through a dark alleyway or walking around the corner with bright street lights, and if she becomes fearful of going through that alley, that's reasonable fear. We don't encourage that type of fear being eliminated in any way. What we focused on is unreasonable fear. It's unreasonable to feel that you can't go out of your home because your neighborhood is unsafe, based on reports that you've gotten through the radio, TV and newspapers about crimes occurring.

**LEN:** On a personal level, what did the change from a quasi-military organization like a police department to a research institution like the Police Foundation mean in terms of your own leadership style?

**WILLIAMS:** When I left Newark, I left the front lines. It's almost like a general on the front lines of a battle who's being called to Washington. So you've got to take off your battle fatigue and your brogans and your weapons and put on a suit and tie. That adjustment is not easy. After you wear the suit and tie for a while, you become accustomed to it and you can even enjoy it, as I do.

It has definitely been a change in style. Police departments are different from research organizations. Fortunately I've had experience in running a major \$20-million planning agency, the High Impact Anti-crime Program, so it was not something that I was totally unfamiliar with. My experiences were quite well suited for this type of environment here, but I would be saying something less than the truth if I said to you that it did not require some adjustment, because it certainly did. In the police environment problems are being thrown down at you like lightning bolts and thunder. They occur very, very frequently, so that you're constantly being bombarded and you've got to think on your feet. You've got to be able to think very fast and be able to handle a considerable amount of pressure. That's the fire in which a police chief finds himself in an urban police department. Here at the foundation the leadership style is clearly different in terms of getting the sort of things you want done. I set the tone and the policy of the agency and provide my experience and input into a process that collectivizes those experiences as we look at problems. In the police department there's more orders, more directives; things are more direct. In this environment things are more subtle, and far more cerebral. You're not desling with the crises of the moment; you're dealing with long-range things and you're thinking problems through in much greater depth than you would do in any police department. That is the great gift of the foundation, and the great opportunity it presents to help local law enforcement. None of those police departments have the capability to think things through in that detail and depth that a foundation like the Police Foundation can. They have to deal with too many crises. So collectively, working with the police departments, I think we can bring leverage against problems that none of us can do alone.

**LEN:** In the best of all possible worlds, if some unnamed benefactor were to provide the foundation with a blank

check and say "Use it for whatever project or projects you wish," how would you apply the money?

**WILLIAMS:** The first thing that we would do is identify major problems confronting American criminal justice. We would try to figure out a way to address these problems, do the research and recommend an approach. I can identify some of these problems right now. One of them, which is now the number-one item on the agenda, is the narcotics problem. Everybody's talking about it and nobody knows how to deal with it. The research simply hasn't been done to give us a basis upon which to establish policy and develop programs. So we don't have to go far with respect to that one.

The other thing that I think would be helpful is to try to look at models of policing, to see whether or not we can come up with a more efficient and effective model. What we do now is really to take a standard, existing institution or agency, and that forces us to use whatever is in place. It might be interesting for us to look at the question of police effectiveness. We need to know an awful lot more about the patrol area than we currently know. I would like to see, for example, a method for measuring police effectiveness. How do we determine if an officer is a good officer or a bad officer, or if a precinct is functioning effectively? Not everything is measurable in terms of the Uniform Crime Reports. We need to have indices for effectiveness, to develop a clearer formula for measuring how we use our resources. And we need to do that because resources are scarce and getting scarcer. To carry out our charge, we better use the resources that we have wisely. So this whole question of police effectiveness is an important one, and it's something that the Police Foundation is very concerned about.

There would probably be an awful lot of other areas that I would look at in terms of how to invest those bucks. One of the first things that I would do is to think through more clearly the question you asked me. Having the kinds of funds you're talking about is so far beyond my vision that it's non-existent, so I would have to think it through carefully. But there you've got two areas that are dear to my heart.

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# Chicago seeks way out of fingerprint jam

Continued from Page 1  
action suit filed by attorneys Elizabeth Dale and Kenneth Flaxman on behalf of all those arrested and detained for fingerprint checks since 1977, with the exception of those individuals who had a reasonable expectation of having their charges upgraded to the felony level.

If the decision is upheld, as many as 500,000 people could sue the city for damages.

According to statistics cited by Judge Rovner, 100,000 people are arrested in Chicago each year on misdemeanor charges. About 30,000 first-time offenders are detained from four to six hours, sometimes more. The city, said Rovner, has "turned lengthy post-arrest detentions of misdemeanor arrestees... into the penalty of punishment itself for misdemeanor crimes upon which these arrestees have not been convicted and on which they have a right to be presumed innocent."

The reason fingerprint checks take so long, said Jamilo, is that the Chicago Police Department does not currently have an automated fingerprint identification system. He said, however, that one has been purchased and is expected to be operating sometime in November.

Until then, however, police will continue to transmit fingerprints over communication or police lines using Fax machines. One of the problems with this method, said Jamilo, is that city police lines are often in "such a state of disrepair" that the prints being

transmitted sometimes come out unreadable.

In such cases, a messenger is sent to the department's identification section with the print. Messengers are not used to send over just one print, however; the prints must be part of a general mail run. "In a city the size of ours, 220 square miles, we run into these kinds of problems," said Jamilo. "Although we try to have additional mail runs where we have fingerprints waiting to be picked up, we have special pouches for those prints so that they're readily identified and given top priority when they come into the mail room."

"All of this takes time," he said. "It's not that we are purposefully holding these fingerprints. We are doing the best we possibly can."

The average time for a fingerprint check on a weekend is four to six hours, although during the week a check can be completed in as little as 65 minutes, Jamilo said. When a check takes longer than 10 hours, it is usually because the prints were not taken properly at the time of arrest, or because the arrestee has some sort of problem with his fingerprints, he said.

"We've had prisoners put this funny glue on their fingers," said Jamilo, "which means the prints are not readable and then we have to take special solvent and take the prints again and go through the system again."

In an effort to alleviate the

time-consuming task of manual fingerprint analysis, the department started shopping around for an automated system about two and a half years ago. After inspecting systems used in San Francisco and Alaska, the department wrote up its own specifications for a program. "We believe we've learned from the others and since we are one of the newer customers, our specs have taken into consideration some of the shortcomings of the other systems which were not known at the time," said Jamilo.

## More money, emphasis sought for drug abuse prevention & treatment

Continued from Page 1  
Washington Bureau of Alcohol and Substance Abuse. "Several people in law enforcement have already said that law enforcement is not the answer to the problem. We really need to reduce demand."

According to a spokesman for Bill Atkins, director of the Illinois Department of Substance Abuse and Alcoholism, there has not been an increase in Federal support for treatment programs since 1982 — and in fact some decreases have been imposed. Although the House proposal allocates more funds immediately for prevention and treatment, Atkins is said to favor the plan offered by President Reagan and Senate Democrats because of their long-term approach. The House authorizes only one year of funding for treatment centers. "The sustained effort over several years is probably a more rational approach," said the spokesman.

Some substance abuse practi-

tioners believe that prevention efforts should get the lion's share of any funds. According to Jeff Kushner, assistant director of the Oregon Office of Alcohol and Drug Abuse Programs, investing funds in treatment will perhaps service those already on waiting lists but "it isn't going to turn the spigot off."

If some direction is not given to schools and businesses about how to "lick this problem," said Kushner, funds will simply continue to be poured into treatment. "I hope there's a much stronger emphasis on the prevention side than there has been in the past."

By the time individuals are treated for substance abuse, said Becky Davis, deputy director of the Texas Commission on Alcohol and Drug Abuse Prevention, they are already a costly drain on health care services and the criminal justice system. "This is not just a brief emergency you could plug something in and it will go away," said another practitioner.

Once the system is operating at full capacity, which will be within the next several months, Jamilo said he is sure that the speed with which misdemeanor's prints can be identified will make a considerable difference in the strength of the city's legal appeal.

John Valencis, communications director for the California Department of Drug and Alcohol Programs, said that in the long run prevention efforts will have the most lasting impact. "What we're doing in California is trying to develop a new outlook, if you will, among the young, impressionable generation," he said. While he conceded that the results will not be apparent for another generation or two, he noted that the public has been cultivating a growing intolerance for alcohol and substance abuse.

"We need ongoing educational programs with both preventive education and intervention," said Washington's Paul Templin. "We need good treatment resources so that kids who get into drugs get help quick."

### On The Record:

"The tragic lesson of guilty men walking free in this country has not been lost on the criminal community."

— Richard M. Nixon

### Burns:

## Cooperation is the name of the game for police

Continued from Page 8  
nation, and your voices should carry a weight commensurate to your work. Certainly the Federal role is important — in some areas it is essential. But we know that Federal efforts can meet with their greatest success only when you are our partners.

Now, what are some of the ways in which LECC's help state and local law enforcement? Show me, you say. Five areas come to mind immediately.

First, training. Today we can proudly point to a growing number of state and local officials trained at Federal facilities such as the FBI Academy and the center at Glynnco, Ga.

Second, our FBI and DEA laboratories are prepared to help you with technical assistance.

Third, cross-designation. The designation of state and local prosecutors as special assistant U.S. Attorneys is a historic, long-standing part of our LECC program nationwide.

Fourth, special deputization. State and local agents that need to pursue their cases across state lines are made special U.S. marshals.

Fifth, asset forfeiture. When state and local agents participate in a Federal case that leads to the confiscation and forfeiture of assets, they share in the proceeds to the extent of their participation.

There are other means of cooperation as well, not the least of which is better communication. I urge you: Don't scoff at, don't undervalue the importance of exchanging information.

Every LECC should have a subcommittee on interagency cooperation. If you do not have one, make forming one a priority. The job of this subcommittee is to see that its members, each representing a different agency, enter into agreements to do three things:

1. Refer cases from one level of government to another;

2. Assist each other in investigations and prosecutions — this includes sharing law enforcement facilities, intelligence and personnel — and,

3. Conduct joint investigations or prosecutions.

These are the fundamentals of cooperation. Give them the attention they are due.

### Williams:

## No room for neutrality in dealing with drug-abusing 'scourges' & 'bums'

Continued from Page 8  
those with status in society — professionals, sports figures, entertainers and others who symbolize success to young people and the impressionable — understand who they become when they use illegal drugs.

Drug abusers are scourges because they squander billions of dollars each year on criminal syndicates. They afflict the economy through absenteeism, shoddy workmanship and drug-affected decision-making. They endanger the nation's roads and highways. They spread disease through infected needles and the like.

They endanger the lives of law enforcement officers. The murder and beating of Drug Enforcement Administration agents in Mexico is as much attributable to young professionals snorting cocaine as it is to the cravings of hardcore addicts. The money they spend on drugs, especially cocaine, bribe our officials.

Drug abusers are even causing us to consider disturbing the balance of constitutional guarantees that protect all of us. Because so many Americans opt

to abuse drugs, we have come to the point where we may ignore the presumption of innocence until proved guilty and begin widespread drug testing. Leave aside the call for drug testing for half of the Federal work force. There are enough indications that drug abuse is sufficiently prevalent among certain sensitive occupations that soon there may be extensive drug testing of, for example, air traffic controllers, pilots, surgeons and, yes, police officers with their authority to use deadly force. The drug-abusing scourges among us are close to imposing on other Americans a terrible price in eroded rights.

As to being bums: Drug abusers are bums in the sense of the word I learned growing up in the streets of Newark. They have no pride in themselves. If they had pride, they would not be consorting with felons, which they do each time they buy illegal drugs. Consider: With each drug purchase, the doctor, the lawyer, the businessman, the factory worker, the student, as well as the street addict, is doing business with an

extensive criminal conspiracy.

So what should the rest of Americans do about these scourges and bums? To those with addictions, especially the young, we should seek to provide rehabilitation. Compassion demands it.

To those who manufacture and peddle drugs, the police and the rest of the criminal justice system must be unrelenting in seeking arrests, convictions and incarcerations.

But to all drug abusers, we should direct the strongest condemnation for their behavior. There is no room for neutrality with illegal-drug taking, let alone winking at it or, worse, romanticizing it as the special province of the slick and able. Drug abusers should be stigmatized for the damage they cause themselves and the terrible costs they impose on the rest of us.

We should be as angry with drug abusers as was my old high school classmate toward the junkie he thought he saw at the corner of Broad and Market in Newark.



# Jobs

**Deputy Sheriffs.** The Brevard County, Fla., Sheriff's Department is accepting applications on a continuous basis for deputy sheriff positions.

Applicants must be at least 19 years old and possess a high school diploma or G.E.D., have normal vision and excellent health, and be a U.S. citizen of good character with no record of convictions for a felony or misdemeanor involving moral turpitude. Applicant must be currently certified.

Starting salary is \$15,040, with eligibility for a 5 percent increase after one year. Excellent benefits, including paid education beyond high school, paid life and health insurance, paid retirement benefits, nine holidays per year and department-provided uniforms. Applicants must pass Civil Service exam, psychological exam, physical, polygraph exam and oral interview, and background check.

For more information, contact: Geri Geiger, Personnel Officer, Brevard County Sheriff's Department, 2575 N. Courtsney Pkwy., Merritt Island, FL 32953. (305) 453-9521.

**Assistant Professor.** The Department of Social and Cultural Sciences at Marquette University is seeking applications to fill a tenure-track position in sociology beginning in August 1987.

Applicants must be competent to teach criminology and criminal justice courses. To apply, send vitae and the names and addresses of three professional references to: Chairmen, Department of Social and Cultural Sciences, Marquette University, Milwaukee, WI 53233. Deadline is Nov. 15, 1986.

**Deputy Sheriff.** The Lane County (Eugene), Ore., Department of Public Safety is accepting applications. Qualifications include high school diploma (preferably two years of college), two years experience in a position dealing with the public (preferably as a

law enforcement or correction officer), at least 21 years of age and a U.S. citizen. Employees may be assigned to the department's Corrections Division or Patrol, Criminal Investigation or Civil Sections at any time during employment. Applicants must pass physical agility, written and oral examinations, a thorough background investigation and physical exam. Applicant may be required to submit to psychological testing.

Salary ranges from \$1,601.60 to \$2,145.87 per month. Direct inquiries to: Lynn Stinson, Administrative Staff Assistant, Lane County Department of Public Safety, County Courthouse, Eugene, OR 97401. (503) 687-4069.

**Criminal Justice Researcher.** The Urban Studies Center at the University of Louisville seeks a researcher to develop proposals and studies in criminal justice.

Duties of the position will include serving as co-director of the Kentucky Criminal Justice Statistical Analysis Center; developing a research program in law enforcement, the courts, corrections, delinquency or crime prevention, and teaching (optional). Requirements include a Ph.D. in social or behavioral science and excellent quantitative skills. Experience in grant writing or as a project director is desirable. Position is equivalent in rank to assistant professor, with a salary of \$24,500 to \$31,500, depending on qualifications. Teaching pay is extra.

Send application and writing samples or publications before Oct. 30, 1986, to: Knowlton Johnson, Director, Urban Studies Center, University of Louisville, Louisville, KY 40292.

**Part-Time Faculty.** A number of part-time teaching positions in criminal justice are available at California State University in Fullerton. Courses to be taught include criminal law, psychiatry and crime, juvenile justice ad-

ministration and corrections.

A Ph.D. in criminal justice or a related field is preferred. Candidates with demonstrated teaching or professional experience in the field of criminal justice will be given preference.

To apply, send resume to: Dr. W. Garrett Cepune, Department of Criminal Justice, California State University, Fullerton, CA 92834.

**Corrections Officer.** The Palm Beach County, Fla., Sheriff's Department is seeking officers for its detention center.

Applicants must be at least 19 years old and a U.S. citizen with high school diploma or GED. Eyesight must be at least 20/70, correctable to 20/30.

Starting salary is \$1,162 per month during training, \$1,484 after training. Salary is negotiable for those already certified. The position also includes a comprehensive package of fringe benefits.

For further information or to apply, write or call: Personnel and Training Office, Palm Beach County Sheriff's Department, 3228 Gun Club Road, West Palm Beach, FL 33406. Telephone (305) 471-2040, Monday through Friday, 9 A.M. to 3 P.M. AA/EOE.

**Deputy Sheriff.** The Sarasota County, Fla., Sheriff's Department is now seeking qualified applicants for the position of Deputy

Sheriff (Patrol Division).

Applicants must have an associate's degree or the equivalent with no experience; experienced applicants must have 30 semester hours. Eyesight must be 20/100 uncorrected, correctable to 20/20. Screening process includes successful completion of written exams, strength and endurance test, polygraph and oral board. Annual salary ranges from \$16,000 to \$22,984 plus educational incentive monies, depending upon experience. Estimated time to maximum salary is 3 to 12 months, depending upon experience. Benefits include paid vacation, sick leave, group medical and dental insurance, life insurance, Florida State Retirement System, permanent shifts.

To apply, send resume or contact Personnel Intake, Sarasota County Sheriff's Department, P.O. Box 4115, Sarasota, FL 33578; (813) 366-9350.

**State Troopers.** The Commonwealth of Pennsylvania is accepting applications for entry-level positions with the Pennsylvania State Police.

Applicants must be between 20 and 29 years of age and possess high school diploma or GED. Weight should be proportionate to height, and vision must be at least 20/70, correctable to 20/40. All candidates must be U.S.

citizens of good moral character and a resident of Pennsylvania for at least one year prior to making preliminary application.

Applicants for the positions, which are non-Civil Service, must pass written exam, strength and agility test, physical exam, background investigation and oral interview.

Salary is \$536.80 biweekly during academy training and starts at \$18,024 annually upon graduation. Overtime and shift differential paid, along with annual clothing maintenance allowance.

To apply or obtain additional information, write to: Director, Bureau of Personnel, Pennsylvania State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110.

**Police Officers.** The Las Vegas Metropolitan Police Department is accepting applications for entry-level police officer positions.

Applicants must be at least 21 years of age (no maximum) at time of testing, and must be a U.S. citizen with high school diploma or GED certificate. Applicants must also have vision no worse than 20/200 in each eye.

To obtain additional information or to apply, write or call: Las Vegas Metropolitan Police Department, Personnel Bureau, 400 E. Stewart, Las Vegas, NE 89101. (702) 386-3497.

## Rehnquist takes over, Scalia signs aboard '86 Supreme Court

Continued from Page 3

the police more often than any other Justice. Rehnquist is also a strident opponent of the exclusionary rule, which he considers an obstacle to a court's "search for truth."

He has written several opinions limiting the reach of the Miranda decision and has consistently voted in favor of the death penalty.

Justice Antonin Scalia, until recently a judge with U.S. Court of Appeals for the District of Columbia, sailed through the confirmation process despite certain philosophical similarities to Rehnquist. Upon the confirmation of both men, President Reagan noted: "Both Chief Justice Rehnquist and Associate Justice Scalia will be strong and eloquent voices for the proper role of the judiciary and rights of victims. I am confident that they will both serve the Court and their country very well indeed."

It has been said that Scalia's views are consistent with those of the Reagan Administration on such issues as abortion, criminal procedure, affirmative action and the separation of church and state. "To the extent that these things are knowable," said Professor Geoffrey R. Stone of the University of Chicago Law School, "Scalia is probably more

predictable on particular issues than either Bork or Posner." Appeals Court Judges Robert H. Bork and Richard A. Posner were initially considered front-runners for the nomination.

Scalia, the only child of a Sicilian immigrant, is the first Italian-American to serve on the high court. A 1960 graduate of Harvard Law School, Scalia, 50, is also the youngest member of the Court.

Scalia worked for the Cleveland law firm of Jones, Dey, Cockley and Reavis until 1970, when he joined the Nixon Administration as general counsel in the President's Office of Telecommunications Policy. According to a profile of Scalia written in 1985, he was a moderating influence on some of the Administration's most controversial attacks on public broadcasting. A specialist in administrative law, Scalia has taught at the University of Chicago, Stanford University and the University of Virginia. From 1974 to 1977, he headed the Justice Department's Office of Legal Counsel, where one of his first tasks was to draft an opinion on whether the Nixon tapes and papers belonged to the President. Scalia opined that they did.

While Scalia is seen by most as an unswerving conservative, his liberal counterparts on the

Federal bench say that he "is not a rigid person." According to fellow Circuit Judge Abner J. Mikva, he and Scalia "haven't disagreed more than a half-dozen times" in about 100 cases. "He is thoughtful about the process," said the more liberal Judge Mikva. "He is extremely bright and extremely articulate."

While Scalia's ceses on the appellate bench have not touched on affirmative action, those familiar with the judge know that his views on this controversial issue mirror those of the Reagan Administration. In a 1979 law review article, Scalia reserved scathing criticism of affirmative action for minorities and women.

Acknowledging that his opinions might expose him to charges of insensitivity or bigotry, Scalia wrote that "it must be a queer sort of bigotry indeed since it is shared by many intelligent members of the alleged target group."

Said Scalia, much of the opposition to racial affirmative action comes from minority group members "who have seen the value of their accomplishments eroded by the auspicio — no, to be frank, the reality — of a lower standard for their group in the universities and professions."

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# Upcoming Events

## NOVEMBER

- 17-19. Automated Manpower Allocation. Presented by the Institute of Police Technology & Management. Fee: \$325.
- 17-19. Communication Skills in Security. Presented by the Peregrine Institute of Security.
- 17-21. Management of the Narcotic Enforcement Function. Presented by the International Association of Chiefs of Police. To be held in Phoenix. Fee: \$425 (member agencies); \$475 (non-member agencies).
- 17-21. Photography in Traffic Accident Investigation. Presented by the Institute of Police Technology & Management. Fee: \$350.
- 17-21. Basic Fingerprinting. Presented by the Center for Criminal Justice, Case Western Reserve University. Fee: \$150.
- 17-21. Technical Intercept Countermeasures. Presented by the National Intelligence Academy. Fee: \$650.
- 17-21. Criminal Profiling and the Serial Murderer. Presented by the Institute of Police Technology & Management. Fee: \$350.
- 17-21. Marine Enforcement and Investigation. Presented by the Florida Institute for Law Enforcement.
- 17-21. Internal Affairs. Presented by the Southern Police Institute. Fee: \$300.
- 17-21. Developing Supervisory Skills. Presented by the International Association of Chiefs of Police. To be held in Orlando, Fla. Fee: \$425 (member agencies); \$475 (non-member agencies).
- 16-20. Vehicle Lamp Examination. Presented by the Traffic Institute. Fee: \$400.
- 18-20. Clandestine Lab Investigations. Presented by the Institute of Police Technology & Management. Fee: \$325.
- 18-21. Kinetic Technique of Interview and Interrogation: Level I & II. Presented by the Criminal Justice Center Police Academy, Sam Houston State University. Fee: \$250.
19. Introduction to Cult Activities. Presented by the Criminal Justice Training & Education Center. Fee: \$90.

## DECEMBER

- 1-3. Street Survival II. Presented by Calibre Press. To be held in Appleton, Wis. Fee: \$110 (all three days); \$75 (first two days only); \$50 (third day only).
- 1-3. Introductory Microcomputer Workshop for the Police Manager. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$325.
- 1-5. Microcomputer Workshop for Police Applications. Presented by the Institute of Police Technology & Management. Fee: \$450.
- 1-5. Technical Surveillance I. Presented by the National Intelligence Academy. To be held in Fort Lauderdale, Fla. Fee: \$650.
- 1-5. Seminar for the Police Training Officer. Presented by the Institute of Police Technology & Management. Fee: \$325.
- 1-5. Progressive Patrol Administration. Presented by the International Association of Chiefs of Police. To be held in New Orleans. Fee: \$425 (member agencies); \$475 (non-member agencies).
- 1-5. Analytical Investigation Methods. Presented by the Organized Crime Institute, Florida Department of Law Enforcement. To be held in Orlando. Fee: \$445.
- 1-5. Police Executive Development. Presented by the Institute of Police Technology & Management. Fee: \$350.
- 1-5. Emergency Preparedness. Presented by the Florida Institute for Law Enforcement. To be held in St. Petersburg. Fee: \$200.
- 1-5. Narcotic Identification and Investigation. Presented by the Institute of Police Technology & Management. Fee: \$350.
- 1-5. Police-Medical Investigation of Death. Presented by the International Association of Chiefs of Police. To be held in Key Biscayne, Fla. Fee: \$425 (member agencies); \$475 (non-member agencies).
- 1-6. Mid-Level Management Course. Presented by the Police Management Institute, University of Houston-Downtown. To be held in Houston. Fee: \$495.
- 1-12. Crime Prevention Technology and Programming. Presented by the National Crime Prevention Institute. To be held in

Louisville, Ky. Fee: \$550.

2. Care and Feeding of the Whole Brain for Police Managers. Presented by the Southwestern Law Enforcement Institute. To be held in Dallas.

2-4. Terrorism — Preparing for the Threat. Presented by the International Association of Chiefs of Police. To be held in Daytona Beach, Fla. Fee: \$450 (member agencies); \$500 (non-member agencies).

3-4. High Risk Incident Management. Presented by the Traffic Institute. To be held in Evanston, Ill. Fee: \$225.

4-6. Improving Police Management. Presented by the Police Management Association. To be held in Tucson, Ariz. Fee: \$50.

4-5. Third Annual Conference on Criminal Justice Statistics in New York City. Co-sponsored by John Jay College of Criminal Justice and the New York Metropolitan Area chapter and the Committee on Law and Justice Statistics of the American Statistical Association. For further information, contact: Prof. Lily E. Christ, Mathematics Department, John Jay College of Criminal Justice, 445 West 59th Street, New York, NY 10019.

8-10. EMT Mechanics or Control Instructor Course. Presented by the Criminal Justice Center Police Academy, Sam Houston State University. To be held in Huntsville, Tex. Fee: \$250.

8-11. Managing for Effective Discipline. Presented by the International Association of Chiefs of Police. To be held in San Diego. Fee: \$375 (member agencies); \$425 (non-member agencies).

Advanced Video Production. Presented by the Institute of Police Technology & Management. To be held in Fairfax, Va. Fee: \$375.

8-12. Supervision of Police Personnel. Presented by the Southern Police Institute. To be held in Louisville, Ky. Fee: \$300.

8-12. Field Training Officers' Seminar. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$350.

8-12. Managing the Criminal Investigation Function. Presented by the International Association of Chiefs of Police. To be held in

San Antonio, Tex. Fee: \$425 (member agencies); \$475 (non-member agencies).

8-12. Locks and Locking Devices. Presented by the National Intelligence Academy. Fee: \$650.

8-12. Microcomputer Programming with a Data Base Management System. Presented by the Institute of Police Technology & Management. Fee: \$375.

8-12. Terrorism. Presented by the Florida Institute for Law Enforcement. Fee: \$200.

8-12. Police Records Management. Presented by the International Association of Chiefs of Police. To be held in Las Vegas. Fee: \$425 (member agencies); \$475 (non-member agencies).

8-19. Traffic Accident Reconstruction. Presented by the Traffic Institute. Fee: \$650.

9. Interview and Interrogation. Presented by the Criminal Justice Training & Education Center. To be held in Toledo, Ohio. Fee: \$145.

9-10. Industrial Espionage and Countermeasures. Presented by Ross Engineering Inc. To be held in Miami.

10-12. Special Problems in Police Internal Affairs. Presented by the Institute of Police Technology & Management. Fee: \$295.

11-12. Hostage Negotiations. Presented by Richard W. Kobetz & Associates Ltd. To be held in Washington, D.C. Fee: \$350.

11-12. Emergency Communications Operators Course. Presented by the Criminal Justice Center Police Academy, Sam Houston State University. Fee: \$50.

15-17. Street Survival II. Presented by Calibre Press. To be held in San Diego. Fee: \$110 (all three days); \$75 (first two days only); \$50 (third day only).

15-19. Police and Media Relations. Presented by the Florida Institute for Law Enforcement. Fee: \$200.

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5-6. Civil Liability. Presented by the Florida Institute for Law Enforcement. To be held in St. Petersburg, Fla.

5-9. Traffic Accident Records & Analysis. Presented by the Traffic Institute. To be held in Evanston, Ill. Fee: \$400.

5-16. At-Scene Traffic Accident/Traffic Homicide Investigation. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$475.

5-18. Homicide Investigation. Presented by the Southern Police Institute. To be held in Louisville, Ky. Fee: \$500.

5-March 13. School of Police Staff & Command. Presented by the Traffic Institute. Fee: \$1,800.

7-9. Executive Development. Presented by the Florida Institute for Law Enforcement. Fee: \$200.

12-14. Investigating the Use of Deadly Force by Police. Presented by the International Association of Chiefs of Police. To be held in San Diego.

12-14. Administration, Management & Supervision of the Field Training Officer Program. Presented by the Institute of Police Technology & Management. To be held in Fort Lauderdale, Fla. Fee: \$295.

12-14. The Public Safety Concept for Administrators. Presented by the International Association of Chiefs of Police. To be held in Phoenix.

## Suffolk PD seen in need of overhaul

Continued from Page 3

"various Suffolk County communities."

Reporting to the new Deputy Commissioner would be four units "who would cover planning, budgeting, legal affairs and public affairs," said Figliora.

The committee has also recommended a complete overhaul of the department's computer system, which was found to be outmoded and inefficient.

According to the committee's analysis, an increased "level of cooperation between the police and the County Data Processing must be continued." The capabilities of both the police and the county data processing center must be integrated so that information which currently takes days or weeks to obtain can be made available within a few minutes.

The department is also currently embroiled in an inquiry by the State Commission of Investigations, according to The New York Times, into the conduct of police detectives and prosecutors in the county District Attorney's office in several homicide cases. The commission is also believed to be investigating allegations of police corruption and drug use.

While the commission's report is not expected for some time, it is generally expected that it will be critical of the department and possibly contain information about foul play by department members.

Although Police Commissioner DeWitt C. Treder has maintained that the researchers from Long Island University could not uncover anything that the department does not already know about, the committee's report claims that under the department's current organizational structure, Treder and other top officials may not be aware of the type of problems the committee has tracked.

## Directory of Training Sources

American Society for Industrial Security, 1655 North Fort Myer Drive, Suite 1200, Arlington, VA, 22209. (703) 522-5800.

ANACAPA Sciences Inc., Law Enforcement Programs, Drawer Q, Santa Barbara, CA 93102.

Broward County Criminal Justice Institute, Broward Community College, 3501 S.W. Davis Road, Ft. Lauderdale, FL 33314. (305) 475-6760.

Calibre Press, 668 Dundee Rd., Suite 1607, Northbrook, IL 60062.

California Planners, P.O. Box 5137, Berkeley, CA 94705. (415) 468-8340.

Center for Criminal Justice, Case Western Reserve University, Cleveland, OH 44106. (216) 368-3308.

Criminal Justice Center, John Jay College of Criminal Justice, 444 West 58th Street, New York, NY 10019. (212) 247-1606.

Criminal Justice & Public Safety Training Center, 3055 Brighton-Henriette Town Line Road, Rochester, NY 14623-2760. (716) 427-7710.

Criminal Justice Training Center, Modesto Junior College, 2201 Blue Gum Avenue, P.O. Box 4085, Modesto, CA 95362. (209) 675-6487.

Criminal Justice Training and Education Center, Attn: Ms. Jeanne L. Klein, 945 S. Detroit Avenue, Toledo, OH 43614. (419) 362-6665.

Delinquency Control Institute, Tyler Building, 3601 South Flower Street, Los Angeles, CA 90007.

Eastern Kentucky University, Training Resource Center, 105 Stretton Building, Richmond, KY 40476. (606) 622-1155.

Eastman Kodak Company, Attn: Lee Schilling, Law Enforcement & Security Markets, 343 State Street, 6th Floor, Building 20, Rochester, NY 14850.

Essex Institute of Public Service, 501 Broad Street, SE, Gainesville, GA 30601. (404) 635-8104.

Florida Institute for Law Enforcement, St. Petersburg Junior College, P.O. Box 13469, St. Petersburg, FL 33733.

George Washington University, Continuing Engineering Education Program, Washington, DC 20052. (800) 424-9773.

Institute of Police Technology and Management, University of North Florida, 4667 St. Johns Bluff Rd. So., Jacksonville, FL 32216.

International Association of Chiefs of Police, 19 Pierfield Road, Galtersburg, MD 20676. (301) 948-0922.

International Association for Hospital Security, P.O. Box 637, Lombard, IL 60148. (312) 963-0990.

International Society of Crime Prevention Practitioners, Attn: Dave Butzer, (603) 796-3128.

Kent State Police Training Academy, Stockdale Safety Building, Kent, OH 44242. (216) 672-3070.

Milwaukee Area Technical College, 1015 North Sixth Street, Milwaukee, Wis. 53203.

Narcotic Enforcement Officers Association, P.O. Box 999, Darien, CT 06820. (203) 655-2806.

National Alliance for Safe Schools, 501 North Interregional, Austin, TX 78702. (512) 396-8885.

National Association of Fire Investigators, 63 West Jackson Blvd., Suite 300, Chicago, IL 60604. (312) 939-6060.

National Association of Police Planners, c/o Ms. Lillian Taylor, Portsmouth Police Department, 711 Crawford Street, Portsmouth, VA 23704. (604) 393-3289.

National College of Juvenile Justice, P.O. Box 6970, Reno, NV 89507. (702) 784-6012.

National Council of Juvenile and Family Court Judges, P.O. Box 6970, Reno, NV 89507.

National Crime Prevention Institute, School of Justice Administration, University of Louisville, Louisville, KY 40292.

National Intelligence Academy, Attn: David D. Barrett, 1300 Northwest 62nd Street, Ft. Lauderdale, FL 33309. Telephone: (305) 776-5500.

National Police Institute, 405 Humphreys Building, Central Missouri State University, Warrensburg, MO 64093-5119.

National Training Center of Polygraph Science, 200 West 57th Street, Suite 1400, New York, NY 10019. (212) 755-5241.

New England Institute of Law Enforcement Management, Babson College, Drawer E, Babson Park, MA 02157.

Pennsylvania State University, S-159 Human Development Bldg., University Park, PA 16802.

Peregrine Institute of Security, 66 Vestry Street, New York, NY 10013. (212) 431-1016.

Police Executive Development Institute (POLEXI), The Pennsylvania State University, S-159 Human Development Building, University Park, PA 16802. (610) 863-0282.

Police Management Association, 1001 22nd Street NW, Suite 200, Washington, DC 20037. (202) 833-1460.

Police Management Institute, University of Houston-Downtown, 1 Main Street, Room 1001-South, Houston, TX 77002. (713) 221-8690 (in state); 1-800-527-3127 (outside Texas).

Professional Police Services Inc., P.O. Box 10902, St. Paul, MN 55110. (612) 464-1060.

Richard W. Kobetz and Associates, North Mountain Pines Training Center, Arcadia Manor, Route Two, Box 100, Berryville, VA 22611. (703) 955-1128 (24-hour desk).

Ross Engineering Inc., 7906 Hope Valley Court, Adamstown, MD 21710. (301) 831-8400.

Sam Houston State University, Criminal Justice Center Police Academy, Box 2296, Huntsville, TX 77341.

Southern Police Institute, Attn: Ms. Shirley Beck, University of Louisville, Louisville, KY 40292. (502) 588-6561.

Southwestern Law Enforcement Institute, P.O. Box 707, Richardson, TX 76060. (214) 890-2370.

Traffic Institute, 555 Clark Street, P.O. Box 1409, Evanston, IL 60204.

University of Delaware, Division of Continuing Education, 2800 Pennsylvania Avenue, Wilmington, DE 19806. (302) 738-8155.



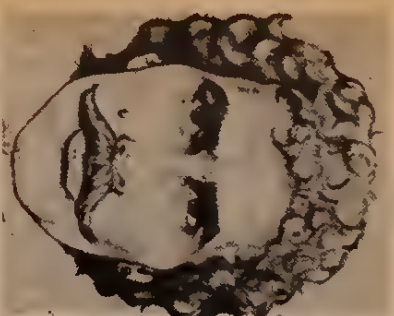
# Law Enforcement News

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Law Enforcement News  
444 West 56th Street  
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## The face rings a bell:



Wanted posters, door-to-door canvasses by detectives, all manner of police functions would fall apart without the services of a composite artist. In the first part of a new series, a veteran police artist explores the ins and outs of a branch of law enforcement few ever get to see, except for the finished product it turns out.

**The insider's  
tour starts  
on Page 6.**



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